

ORIGINAL

SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2011 JUL 22 10:16

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

THE STATE OF ARIZONA,

Plaintiff,

vs.

No. P1300CR2008-1339

STEVEN CARROLL DEMOCKER,

Defendant.

BEFORE: THE HONORABLE WARREN R. DARROW  
JUDGE PRO TEMPORE OF THE SUPERIOR COURT  
DIVISION SIX  
YAVAPAI COUNTY, ARIZONA

PRESCOTT, ARIZONA  
WEDNESDAY, JULY 21, 2010  
9:31 A.M. - 4:47 P.M.

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

TESTIMONY OF LUIS HUANTE

ROXANNE E. TARN, CR  
Certified Court Reporter  
Certificate No. 50808

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**LUIS HUANTE**

Cross-examination resumed by Mr. Sears

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APPEARANCES

On Behalf of the State:

Mr. Joseph Butner and Mr. Jeffrey Paupore  
Yavapai County Attorney's Office

On Behalf of the Defendant:

Mr. John Sears  
P.O. Box 4080  
Prescott, AZ 86302

Mr. Larry Hammond and Ms. Anne Chapman  
Osborn Maledon, P.A.  
2929 North Central Ave., 21st Floor  
Phoenix, AZ 85012

1 (Whereupon, the jury enters the courtroom.

2 THE COURT: This is the time set to resume the  
3 trial in the case of State of Arizona versus Steven Carroll  
4 DeMocker. He is present, represented by his attorneys;  
5 Mr. Sears, Mr. Hammond and Ms. Chapman. State is represented  
6 by Mr. Butner and Mr. Paupore.

7 Are the parties ready to proceed with  
8 trial? Mr. Butner?

9 MR. BUTNER: State is ready, Your Honor.  
10 Thank you.

11 THE COURT: Mr. Sears?

12 MR. SEARS: Yes, Your Honor.

13 THE COURT: Okay. Then, Sergeant Huante is in  
14 the Court. Sir, if you would please resume the witness  
15 stand. I am going to remind Sergeant Huante of this,  
16 Sergeant, you are aware that you are under oath at all times  
17 in this proceeding.

18 Do you understand that?

19 THE WITNESS: Yes, sir.

20 THE COURT: You are under oath as you resume  
21 the stand now.

22 THE WITNESS: Yes.

23 LUIS HUANTE,  
24 previously called as a witness, having been duly sworn,  
25 testified further as follows:



## CROSS-EXAMINATION RESUMED

BY MR. SEARS:

Q. Good morning, Sergeant.

A. Good morning.

Q. Where were we? What I'd like to begin with this morning, Sergeant, is a discussion with you, if we could, about crime scene. In particular, homicide scene investigation practices. To begin with, could you remind us how many different homicide investigations you've participated in?

A. Over the 17 years, I've been involved in at least, directly or indirectly, approximately 18 homicide suspicious deaths.

Q. And, of those 18 or so can you give us an idea of how many investigations you were actually the case agent?

A. It sounds awful but I've kind of forgotten, maybe about 5 or 6, or more, maybe 10.

Q. And you told us in some detail, when we were last here, about your role and your responsibility in the assigning of Detective Doug Brown as case agent in this case and how the crime scene was organized on the night of July 2nd, 2008. What I want to talk with you about, though, is the training that you received and the experience that you had and what are sometimes called "best practices." Is that a term you are familiar with?

1           A.     Yes.

2           Q.     Okay.  Can you remind us again what training or  
3 seminars or other education, outside "on-the-job" experience,  
4 you have had in crime scene investigation?

5           A.     I have attended the basic FBI Homicide  
6 Investigators course.  I was a member of the Arizona Homicide  
7 Investigators Association and I attended their annual  
8 conference.  I attended the buried body school, and I believe  
9 those are the ones that kind of stand out right now.

10          Q.     And, then, surely all of your experience, 17 years  
11 law enforcement, and all the homicides and suspicious deaths  
12 you've investigated have given you considerable practical  
13 experience in the scene investigation?

14          A.     Yes.

15          Q.     Now, let's talk about this particular scene when  
16 you arrived on the evening of July 2nd of 2008.  Other law  
17 enforcement personnel had already been to the scene before  
18 you got there; correct?

19          A.     Yes.

20          Q.     And, you had some general idea as you began your  
21 work that night what they had found -- what the initial  
22 findings were from the first responders; correct?

23          A.     Yes.

24          Q.     And, to review, this was a welfare call,  
25 originally, that came in that Deputy Matt Taintor took to

1 find out if Carol Kennedy was okay. That was how this case  
2 originally began; correct?

3 A. Yes.

4 Q. And he discovered, as he's told us here, a body  
5 inside a back bedroom at the house on Bridle Path, backed  
6 away and called the matter in; correct?

7 A. Right.

8 Q. And, then, within a relative short period of time,  
9 additional people responded -- some deputies and two  
10 sergeants; correct?

11 A. Right.

12 Q. And they did the work that they told us about and  
13 about which you know something; correct?

14 A. Right.

15 Q. You've read the reports and you've talked with  
16 them about their work in this case; right?

17 A. Yes.

18 Q. And that's a pretty normal sequence of events? A  
19 deputy finds a body or at least discovers a body -- it would  
20 be important for that deputy to be very careful at that point  
21 about the scene itself; correct?

22 A. Yes.

23 Q. And the reason for that is crime scenes are full  
24 of all kinds of potential evidence and clues as to what  
25 happened; correct?

1 A. True.

2 Q. And those clues and that kind of evidence can be  
3 any number of things -- things that we think about; blood,  
4 fingerprints, foot print impressions, tire track impressions.  
5 That's physical evidence; correct?

6 A. True.

7 Q. And there can be biological evidence, which is a  
8 kind of physical evidence, and we've talked about that; DNA  
9 and blood, saliva, other bodily fluids. Those are important  
10 items of biological evidence; correct?

11 A. Yes.

12 Q. And, then, there can be any kind of object or  
13 thing that could be physical evidence. Obviously, potential  
14 weapons would be one thing that would be of interest;  
15 correct?

16 A. Yes.

17 Q. But, then, there could be a whole range -- and  
18 every case would be different; right -- where objects that  
19 are ordinary objects; pens, eyeglasses, papers, things that  
20 in other context have no evidentiary value may be very  
21 important in the investigation of the homicide; correct?

22 A. Ask again.

23 Q. Let me ask maybe one question. Things which have  
24 ordinary everyday uses, eyeglasses for example, can  
25 sometimes, under certain circumstances, be important evidence

1 in a homicide case; correct?

2 A. Yes.

3 Q. They may have blood spatter on them; correct?

4 A. True.

5 Q. They may be broken; correct?

6 A. True.

7 Q. Okay. And they may be in a particular place where  
8 just where those eyeglasses are may have some significance;  
9 correct?

10 A. That's possible.

11 Q. And every crime scene is different from the one  
12 before; correct?

13 A. Yes.

14 Q. No two are likely to be exactly the same; correct?

15 A. Right.

16 Q. And I've heard it described that looking at a  
17 crime scene -- the crime scene can put together part of a  
18 story -- that a trained investigator, like you, can work in a  
19 crime scene and learn things about what may have happened  
20 from things that can't speak, like eyeglasses; correct?

21 A. To some degree, yes.

22 Q. Now, the next waive of responders that we talked  
23 about, the sergeants and the deputies, made entry into the  
24 house and eventually entering into the room where the body  
25 was discovered; correct?

1 A. Yes.

2 Q. And it was important for them to be careful where  
3 they were walking, what they were touching; correct?

4 A. Yes.

5 Q. And you are familiar with their reports about the  
6 precautions they took to be careful at the scene; correct?

7 A. Right.

8 Q. And you weren't there when they made their first  
9 entry. Am I right in that?

10 A. Yes, I wasn't there.

11 Q. Now, at some point we get to the next layer of  
12 investigation. So, we have the very first responder, Deputy  
13 Taintor, then we have another group of responders, the people  
14 that he called essentially "backup," the other four that  
15 arrived on scene, and, then, at some point the matter becomes  
16 a case for the criminal investigation, or C.I. Department, of  
17 the Sheriff's office in which you were working at the time;  
18 correct?

19 A. Yes.

20 Q. Okay. And that's a very typical progression in  
21 the crime scene investigation; correct?

22 A. Yes.

23 Q. That the investigation would be turned over to the  
24 people that have specialized training and skill like you?

25 A. Yes.

1 Q. And other detectives? We've heard a lot of names  
2 talked about, and we're going to hear from lots of the other  
3 detectives that were involved. You weren't the only  
4 detective involved in this investigation?

5 A. True.

6 Q. I am focusing on the crime scene as you found it  
7 the night of July 2nd.

8 A. Okay.

9 Q. Now, at some point later that evening another  
10 layer of investigation was brought into the case, and those  
11 were criminalists from the Department of Public Safety;  
12 correct?

13 A. Yes.

14 Q. Now, on July 2nd, 2008, did the Yavapai County  
15 Sheriff's Office have its own organized crime scene evidence  
16 team?

17 A. Well, we have evidence technicians, and their  
18 responsibility is sometimes to collect whatever the detective  
19 says or asks them to collect as evidence.

20 Q. For those of us that watch a little too much  
21 television, you know, your shows like CSI and other shows,  
22 and see things on the news -- some larger police departments  
23 have crime scene teams that arrive in their own van and they  
24 have all of their own equipment and they are just called to a  
25 scene. Did Yavapai County have something that organized on

1 July 2nd, 2008?

2 A. To some degree.

3 Q. Okay. And it would involve evidence technicians  
4 from the Sheriff's office; correct?

5 A. Yes.

6 Q. And they were trained, presumably, in collecting  
7 and preserving and logging in items of evidence; correct?

8 A. To some degree, yes.

9 Q. Okay. But they work under someone else's  
10 supervision, typically, at the scene; correct?

11 A. Yes.

12 Q. They don't just come in and decide on their own  
13 what needs to be collected? They are directed to collect  
14 certain items; correct?

15 A. True.

16 Q. And those crime scene technicians can do things  
17 like take photographs; correct?

18 A. Yes.

19 Q. And bag items of evidence? Eyeglasses if they  
20 were going to be taken as evidence items; correct?

21 A. True.

22 Q. Now, sometimes in this area the word "protocol" is  
23 used. Is that a word you're familiar with?

24 A. Yes.

25 Q. Now, protocol is a fancy term for a plan or a



1 strategy; right?

2 A. Or a guideline.

3 Q. All right. And the idea is that because the  
4 preservation and collection of evidence in a murder case is  
5 of such critical importance, it needs to be done in a  
6 standardized and professional manner; correct?

7 A. Yes.

8 Q. You wouldn't just want people wandering around  
9 picking things up and putting them in their pocket that they  
10 found interesting; correct?

11 A. No.

12 Q. And there are guidelines or protocols for the  
13 collection of all different kinds of evidence; right?

14 A. Yes.

15 Q. You told us before that you'd had some training in  
16 forensic photography. That's a particular specialty;  
17 correct?

18 A. Yes.

19 Q. That it's more than just taking a camera and  
20 taking a picture of something. There are techniques and  
21 methods that are used for photographing evidence at crime  
22 scenes; correct?

23 A. Yes.

24 Q. And the reason for having protocols, for example,  
25 for photography is twofold; isn't it?

1 A. Yes.

2 Q. So that the law enforcement investigation has  
3 professionally collected and preserved evidence that they can  
4 use for their own investigation? That's important; correct?

5 A. True.

6 Q. But, also, it's important because in our criminal  
7 justice system, if a person is ultimately arrested and  
8 charged with the crime, he and his defense team are entitled  
9 to have and analyze and review the same evidence that you  
10 have; correct?

11 A. Yes.

12 Q. And that's what's happened in this case. You know  
13 that; correct?

14 A. Yes.

15 Q. So, that, if evidence is collected improperly by  
16 the evidence technicians or the deputies or other people at  
17 the crime scene, that could create a problem downstream for  
18 the defense in trying to look at the same evidence and  
19 interpret it; correct?

20 A. That is possible, yes.

21 Q. For example, contamination of evidence, biological  
22 evidence, particularly, is subject to the possibility of  
23 contamination; correct?

24 A. True.

25 Q. Not preserved properly -- specimens are not

1 refrigerated if they need to be refrigerated, they are  
2 exposed to sunlight if they are not supposed to be exposed to  
3 sunlight -- those are things that could contaminate the  
4 evidence; correct?

5 A. Yes.

6 Q. And, then, the problem is compounded that when  
7 that contaminated evidence, first of all, is tried to be used  
8 by law enforcement, there's a real problem because it's not  
9 the evidence that was at the scene. Now it is spoiled;  
10 correct?

11 A. Yes.

12 Q. And that spoiled evidence is a problem for the  
13 defense because they can't use it anymore than you could;  
14 correct?

15 A. True.

16 Q. So -- and these are things that are in your  
17 mind -- the idea of not contaminating or spoiling evidence is  
18 something that is constantly in your mind when you come to a  
19 murder scene?

20 A. True. I'm trying to preserve things the best  
21 possible way.

22 Q. And there's simple things you do -- wearing latex  
23 gloves is one very standard way to try and preserve evidence;  
24 correct?

25 A. Yes.

1 Q. And, sometimes, wearing hospital-like booties on  
2 your feet so that you are not walking in a crime scene;  
3 correct?

4 A. Yes.

5 Q. And there are lots of other different levels. For  
6 example, there are full Tyvek suits, they're sometimes called  
7 bunny suits, that crime scene technicians sometimes wear;  
8 correct?

9 A. True.

10 Q. So that there's no possible contamination with  
11 things they bring to the scene; correct?

12 A. True.

13 Q. And, then, there are simple common sense things  
14 like not walking through crime scenes unnecessarily; correct?

15 A. True.

16 Q. And not handling objects unnecessarily? That's  
17 important too; right?

18 A. Yes.

19 Q. And not moving things without first documenting  
20 somehow where they were?

21 A. True.

22 Q. You wouldn't want one of your deputies or even one  
23 of your detectives to come running outside saying, "look what  
24 I found" and bring it to you? That would be very bad  
25 practice; right?

1 A. Yes.

2 Q. We are talking about best practices; right?

3 A. Yes.

4 Q. Now, the other thing that occurs to me is the  
5 difficulty that you must have, and all people in your  
6 situation have, with decision making at crime scenes. And  
7 you told us in considerable detail, many weeks ago, how the  
8 decisions were being made the night of July 2nd. But there  
9 were a lot of people involved in those decisions; other  
10 detectives, other sergeants, Lieutenant Rhodes, Commander  
11 Mascher, all kinds of other people, some of them higher  
12 ranking than you, making different decisions about how this  
13 investigation was going to proceed; correct?

14 A. At the time, I thought -- well, I believed I was  
15 in charge at the time. So, to make -- at a point, I did ask  
16 Commander Mascher to do some interviews, as well as  
17 Lieutenant Rhodes, and they did conduct those interviews.

18 Q. But you weren't able to be in more than one place  
19 at one time? Can I assume that?

20 A. Right.

21 Q. So, there was a period of time -- I would be  
22 surprised if you said yes -- but there was a long period of  
23 time when you left the crime scene and came back down to the  
24 Sheriff's office, here in downtown Prescott, to conduct  
25 interviews. So, you were away from the scene for a number of

1 hours; correct?

2 A. Yes.

3 Q. But the investigation continued; correct?

4 A. I believe, at that point, we just posted a person  
5 at the scene so that they could just contain the scene.

6 Q. And you told us, in considerable detail, how that  
7 night deputies and detectives went out to the Glenshandra  
8 trailhead, some distance from the Bridle Path residence, and  
9 were looking at things on the ground out there; correct?

10 A. Yes.

11 Q. And you said, at first, that you were there and  
12 then you remembered that you probably weren't there that  
13 night; correct?

14 A. Right. I was not -- I don't think I was there  
15 that night. I was there the following day. Which to me, it  
16 was one continuous day to me.

17 Q. I could imagine. I could imagine. I didn't see  
18 any time in your log for going home and going to bed that  
19 night.

20 A. Right.

21 Q. You were up a long time. I understand that. Now,  
22 that would be an example. Decisions were made and things  
23 were done at this Glenshandra location and you weren't there;  
24 correct?

25 A. True.

1           Q.     But you knew that there were decisions that were  
2 being made by people you would work with, and you trusted  
3 their judgment and what they were doing, particularly, if  
4 they were then required to report back to you what they had  
5 found?

6           A.     Right.

7           Q.     And it's hard sometimes, isn't it, to remember two  
8 years downstream whether you learned something because you  
9 saw it or because somebody else told you that they saw  
10 something? Sometimes it's a little confusing, particularly  
11 over the course of a long night, to remember exactly what it  
12 is that you saw and what it is that you were told about;  
13 correct?

14          A.     True.

15          Q.     And that may have happened when you told us, many  
16 weeks ago, that you had a recollection of being out at  
17 Glenshandra that night, but later on you said, "no, I don't  
18 think I was there."

19          A.     I think what I said was that I was there, but I  
20 didn't specify what time I was there.

21          Q.     You got there the next day when the sun came up?

22          A.     Yes.

23          Q.     And it was pretty clear from what you said, and  
24 also what you said on tape, that you thought a big part of  
25 this investigation was going to have to wait until the sun

1 came up?

2 A. Yes.

3 Q. Because it was very dark there and all these  
4 outside areas were going to be very difficult to investigate;  
5 is that right?

6 A. Yeah, that was my initial plan was to wait till  
7 the morning where we could see better so that we could  
8 examine the scene, but that changed.

9 Q. Now, let's talk about things that were important  
10 to know about the crime scene that night, even before you  
11 left to do the interviews back here that we know so much  
12 about. It was certainly important that the crime scene  
13 itself, the room where Carol's body was, be carefully  
14 protected and not contaminated; correct?

15 A. Yes.

16 Q. And we have had some discussion about a checkbook  
17 that was next to the body, that appears in photographs to  
18 have been moved a little bit. We've had nearly five weeks  
19 off. Do you have any further ideas about what happened to  
20 that checkbook?

21 A. I believe from the time that the deputies  
22 arrived -- the EMTs also went inside and put leads on the  
23 victim -- and during that time, until we showed up, somehow  
24 that book moved. I don't know who moved it. But that book  
25 moved, and I can tell by the photographs that the deputies



1 took and the photographs that we took, that when we arrived  
2 that checkbook had moved.

3 Q. If you had it to do over again, you would not have  
4 wanted that checkbook moved; would you?

5 A. Of course not.

6 Q. Yeah, it's an important piece of evidence. Was it  
7 collected?

8 A. I don't remember.

9 Q. So, then you wouldn't remember whether it was sent  
10 to the lab to be analyzed; correct?

11 A. I believe it was collected -- if I can -- there  
12 was many things.

13 Q. Okay. We'll talk about that in much more detail  
14 here in a bit, but I just wondered if you remembered right  
15 now whether that checkbook was taken into evidence?

16 A. I believe I saw a photograph of it being picked  
17 up.

18 Q. Okay. Now, let's talk about the decision-making  
19 inside that room about what items to collect and what items  
20 not to collect. Were you in charge of that decision-making  
21 process about what would be taken, and -- I'm not talking  
22 about biological evidence for the moment -- I'm talking about  
23 items of physical evidence, like the checkbook?

24 A. We discussed some of the items that I thought  
25 needed to be collected.

1 Q. And wouldn't it be important to collect items very  
2 near the body; particularly items that had lots of blood on  
3 them?

4 A. To some degree.

5 Q. Particularly the items right next to the body?  
6 Those would be of potential importance; right?

7 A. That's possible, yes.

8 Q. Now, common sense would say that at the initial  
9 stage of the investigation you have many, many more questions  
10 than you have answers about what's happened here; correct?

11 A. True.

12 Q. And, so, you don't have a clear story in mind, and  
13 it would be, I think, a mistake, wouldn't it, to have a clear  
14 plan in your mind for what happened; some theory of what  
15 happened that was guiding your investigation, in a case like  
16 this, at the very beginning of the investigation?

17 A. Ask again, please.

18 Q. Okay. You've got a woman that's been beaten to  
19 death in her own home, and she is lying in a pool of her own  
20 blood -- I hate to be graphic, but that's the truth; isn't  
21 it?

22 A. Yes.

23 Q. Okay. And there's no apparent murder weapon;  
24 correct?

25 A. True.

1           Q.     There's no suspect apprehended at the scene;  
2 correct?

3           A.     True.

4           Q.     Okay. And there's no obvious signs of a motive.  
5 There's no sign of sexual assault; correct?

6           A.     Not that I could tell.

7           Q.     And there's no sign of an apparent burglary or  
8 robbery. There are not obviously things missing like  
9 television sets or computers; correct?

10          A.     I wasn't sure of that. I had asked several  
11 questions of people to ascertain if that was the case or if  
12 there was money or jewelry in the house, or what was the  
13 reason for them to come to the house.

14          Q.     Okay. Well, we'll talk about it again -- about  
15 that in some more detail here today -- but let's just talk  
16 about your first observation. So, at the point when the body  
17 is there and it's being photographed and things in the rooms  
18 are being photographed, eventually decisions are made about  
19 what things to take out of the room for evidence; correct?

20          A.     True.

21          Q.     And we know there are some obvious things. The  
22 ladder that we've seen and heard a lot about. That was taken  
23 out; correct?

24          A.     Yes.

25          Q.     What about the bookcases?

1           A.     They weren't taken.

2           Q.     But they had what you considered to be important  
3 possible blood evidence on them; correct?

4           A.     Yes.

5           Q.     So, the evidence was photographed, but the  
6 bookcases weren't taken?

7           A.     Right.

8           Q.     Okay. Now, there was a desk in the room -- and  
9 we've seen lots of pictures -- and the desk was right next to  
10 the body, and it was covered in blood; correct --

11          A.     Yes.

12          Q.     -- along the sides? And then there were items up  
13 on the top of the desk that had blood and blood spatter all  
14 over them; correct?

15          A.     Yes.

16          Q.     And, of course, you took the desk?

17          A.     No.

18          Q.     Okay. Did you take everything off the top of the  
19 desk?

20          A.     I don't believe we did.

21          Q.     Next to the victim's body -- and we've seen  
22 pictures, and we may look at them here later on when we get  
23 the screen out -- there were a number of objects that were  
24 very close to Carol's head and arms; correct?

25          A.     I believe there might have been a couple of items.

1           Q.     Okay. One of them was a white plastic  
2 polypropylene bottle that had some sort of pet odor remover  
3 in it; correct?

4           A.     I believe so, yes.

5           Q.     Okay. And that was right next to the body, and it  
6 was covered in blood; was it?

7           A.     Yes.

8           Q.     That wasn't collected; was it?

9           A.     I don't believe so, no.

10          Q.     And it was actually touching the body in some of  
11 the photographs; wasn't it?

12          A.     Maybe the hair.

13          Q.     Okay. And there was a piece of corner molding --  
14 off the edge of the desk -- there was a piece of corner  
15 molding with blood on it, and, apparently, hair on it that  
16 was right next to the body; correct?

17          A.     Yes.

18          Q.     And that was collected; correct?

19          A.     I don't know. I don't remember.

20          Q.     Okay. There was another piece of corner molding  
21 on the other side of the desk that was also knocked lose,  
22 apparently, and it wasn't collected; was it?

23          A.     Again, I don't remember.

24          Q.     Well, that piece of molding had a number of  
25 possible stories it could tell; correct?

1           A.     That is possible, yes.

2           Q.     Okay. For example, whose hair is on the molding;  
3 correct? That would be important; right?

4           A.     True.

5           Q.     Might be the victim's hair; correct?

6           A.     Most likely.

7           Q.     Now, if it was the victim's hair, then how did it  
8 get there? That would be a question that could be answered;  
9 right?

10          A.     I believe I know how it got there.

11          Q.     Well, let's talk about a couple of options.  
12 What's your theory?

13          A.     I believe someone staged it to make it look like  
14 she fell, and then whoever did this -- I am going to be  
15 graphic -- they grabbed the victim's head and smashed it  
16 against the desk on purpose to make it look like an accident.

17          Q.     Okay. Let's try and break that down. Okay. The  
18 molding we're talking about -- I am looking here at Roxanne's  
19 desk, and there is a desk surface here, and there are some  
20 pieces of molding on either side -- I know you can't see what  
21 I'm doing, but trust me on this -- there is a piece of  
22 molding on the left and the right. Carol's body was found on  
23 its side with its head -- with her head -- near the desk;  
24 right? That's what happened?

25          A.     True.

1           Q.     And the piece of molding from the left side of the  
2 desk was lengthways near her outstretched arm. I mean, we  
3 can look at photos if you would be more comfortable looking  
4 at photos?

5           A.     Yes, I would.

6                     MR. SEARS: Let's do that. Could we have the  
7 screen up, Phil.

8                             Sergeant, if you want to step down. When  
9 we get this all fired up here, it might be easier. This  
10 courtroom has not gotten any bigger in the recess, Your  
11 Honor. I'm sorry. This has not gotten any less awkward than  
12 it was.

13          Q.     Let me show you Exhibit 2273 in evidence here,  
14 Sergeant. And you recognize that, of course, as the body of  
15 poor Carol Kennedy; correct?

16          A.     Yes.

17          Q.     And this is in the room where the body was  
18 discovered at Bridle Path on the night of July 2, 2008;  
19 correct?

20          A.     Yes.

21          Q.     I am standing right in the middle of what people  
22 need to do. Let me go back here. Okay. Now, I've got the  
23 laser pointer out.

24                             This is the white plastic bottle of pet  
25 odor remover that I was speaking of. Is that the same one

1 you are thinking of?

2 A. Yes.

3 Q. And it actually, in this photograph, appears to be  
4 touching her hair; correct?

5 A. Right.

6 Q. And it has blood on there. Was that picked up and  
7 examined by anybody that night that you know of?

8 A. Could have been me or other detectives. I'm not  
9 sure.

10 Q. It had blood all the way around it, not just on  
11 this top surface here. It had blood all the way around it;  
12 didn't it?

13 A. I don't remember that.

14 Q. Okay. That bottle was not taken into evidence;  
15 right?

16 A. I don't think so, no.

17 Q. Yet it's found next to the victim and it's covered  
18 with blood; correct?

19 A. Yes.

20 Q. Could it have had hair and other evidence on it?

21 A. That's possible.

22 Q. Could it have had fingerprints on it?

23 A. That's possible.

24 Q. Could it have had DNA on it?

25 A. That's possible.



1 Q. Whose blood is that?

2 A. I don't know.

3 Q. Okay. There is what looks like a small rubber  
4 ball here. There were dogs living in the house; right?

5 A. Yes.

6 Q. Okay. Was that ball collected?

7 A. I don't think so.

8 Q. Okay. This here -- this gray or silver object --  
9 that's the piece of desk molding I'm talking about; isn't it?

10 A. Yes.

11 Q. Carol's head is touching that; correct?

12 A. Yes.

13 Q. Okay. And, you can see up here in the corner of  
14 the desk -- you can see these little pegs -- you can see two  
15 of them clearly -- those are the pegs that held that piece of  
16 molding in place; right? That's where that piece of molding  
17 belonged; correct?

18 A. True.

19 Q. And there was a similar piece of molding on the  
20 other edge of the desk in the far corner of this picture;  
21 correct?

22 A. Yes.

23 Q. Okay. Here's the checkbook that we talked about.  
24 That -- in this picture it's at a particular angle.  
25 Essentially, perpendicular to where the body is?

1 A. Right.

2 Q. Okay. And we've seen other pictures to where it's  
3 parallel to the body?

4 A. Right.

5 Q. Okay. And that's the moving checkbook we were  
6 talking about; correct?

7 A. Yes.

8 Q. Okay. And we'll talk about this -- this is what I  
9 think you said may be a bloody handprint; correct?

10 A. I said it was a bloody handprint?

11 Q. Did you?

12 A. No.

13 Q. Okay. Do you think it is?

14 A. I don't think so.

15 Q. Okay. Did you see anything that you thought was a  
16 bloody handprint that day?

17 A. Not that I can remember.

18 Q. Okay. We'll talk about that later.

19 Now, let's look at another picture here.  
20 This is 22 -- 2325. Okay. This is a photograph of -- taken,  
21 looking down now from above -- of the same white plastic  
22 bottle, the same ball, and the same -- you can see the other  
23 edge of the piece of molding, and you can see pretty clearly  
24 where that molding went; correct?

25 A. Right.

1           Q.     Okay. Now, interestingly enough, if you look at  
2 the corner of the molding -- see this edge surface of the  
3 desk here? Okay. Do you see this edge where the laser  
4 pointer is going -- where the pegs are?

5           A.     Right.

6           Q.     Okay. And, you can see there is a gray -- I think  
7 it's melamine is the name of the material -- that's on the  
8 front of the desk here, and you can see this large blood  
9 stain here?

10          A.     Right.

11          Q.     Can you see what appears to be blood in the area  
12 where you would expect it, ordinarily, to be covered by this  
13 piece of molding?

14          A.     Yes.

15          Q.     Can you see this looks, perhaps, like a blood drop  
16 running parallel to the floor. Do you see that?

17          A.     Yes.

18          Q.     Okay. Now, you've told us before you're not a  
19 blood spatter expert; right?

20          A.     No.

21          Q.     You just have whatever training you've received  
22 and years of police work, but you don't hold yourself out to  
23 be a blood spatter expert; correct?

24          A.     No.

25          Q.     Okay. There is such a skill; right?

1 A. Yes.

2 Q. People can interpret what all of these drops and  
3 smears and streaks might mean; correct?

4 A. Right.

5 Q. And that's not you?

6 A. No.

7 Q. Okay. Now, on the other hand, seeing blood where  
8 it would appear the molding would have been would tell you  
9 something, wouldn't it, about the relationship of that  
10 molding to this desk and when the blood went down; correct?

11 A. True.

12 Q. Okay. That, apparently, the molding was off the  
13 desk when at least some of this blood was put there; correct?

14 A. Right.

15 Q. Okay. Now, is it possible that this piece of  
16 molding was actually a weapon?

17 A. I don't believe so.

18 Q. It has a rounded edge; correct?

19 A. It is made out of plywood. It's not strong enough  
20 to be able to cause that kind of damage.

21 Q. And when you say "that kind of damage," you are  
22 talking about the terrible skull fractures to Carol that  
23 we're going to learn a lot more about as this trial  
24 progresses; right?

25 A. Right.

1 Q. But Carol had two other injuries on her arms;  
2 didn't she? She had two parallel linear abrasions on her  
3 arm; correct?

4 A. True.

5 Q. Okay. This piece of desk molding has a surface --  
6 this rounded edge here -- you've seen this piece of desk  
7 molding; haven't you?

8 A. Yes.

9 Q. Okay. That piece of desk molding is stout enough  
10 to inflict injuries consistent with those linear arm  
11 abrasions; isn't it?

12 A. I would think it would break.

13 Q. Did you conduct any tests?

14 A. No. But based on my experience with plywood and  
15 that kind of particle board, I don't think it's strong  
16 enough.

17 Q. That's your opinion?

18 A. Right.

19 Q. Okay. And we'll have this piece of molding out  
20 here and we'll have people that, perhaps, have more  
21 specialized training to talk about that. But can you say  
22 with any degree of certainty, based on your profession, that  
23 this piece of molding was not a weapon that night?

24 A. Anything is possible.

25 Q. Anything is possible. Okay.

1                   While we're up here let's look at 2327.  
2       Now, just for orientation, 2327 in evidence, Sergeant, is a  
3       photograph in the same room. You can see Carol. You can see  
4       the corner of the desk there with the missing molding. You  
5       can see sort of a light striking the picture. There appears  
6       to be light coming from the right-hand side; correct?

7           A.     Yes.

8           Q.     It makes it a little hard to see what's over here,  
9       but we can see lots of objects in this room. We can see a  
10      desk chair. We can see a computer keyboard. We can see some  
11      lamps, photographs, a number of other objects on the desk;  
12      correct?

13          A.     Yes.

14          Q.     Lots of papers and other objects up in these  
15      cubbyholes; correct?

16          A.     True.

17          Q.     Okay. And there were other objects on the floor.  
18      There were boxes of files and letters over here behind this  
19      chair; correct?

20          A.     I'm not sure. I think they might be on this other  
21      side.

22          Q.     I think there were some other boxes. But there  
23      were some business-type personal records in a box on the side  
24      of the desk, between the desk and the door to the outside.  
25      You can see the door to the outside looks like it's propped

1 open; correct?

2 A. I don't remember if there were boxes.

3 Q. Okay. We'll see if there are some other  
4 photographs that do that. You're telling us, though, that no  
5 effort was made to collect every single object off this desk;  
6 correct?

7 A. Right.

8 Q. Okay. And this object here -- we'll look at some  
9 other pictures -- that is a calendar, large calendar, that  
10 people sometimes use as day planners, putting down  
11 appointments and events; correct?

12 A. Yes.

13 Q. And that's how Carol was using it; correct?

14 A. I think so. There were notations on it.

15 Q. And it had blood on it; correct?

16 A. Yes.

17 Q. Was that collected?

18 A. I don't believe so.

19 Q. Okay. And, in addition to blood, it had other  
20 information on there about what Carol may have been planning  
21 to do in the future; correct?

22 A. Yes.

23 Q. And she had a number of different places where she  
24 wrote down what she was planning to do. She had a day  
25 planner and she had other similar calendars like this in

1 other parts of the house; right?

2 A. I don't know.

3 Q. Remember, she had one like this that was on the  
4 refrigerator in the kitchen?

5 A. I don't remember.

6 Q. Okay. Why don't you -- I think we're done with  
7 the screen, Phil. Oh, I'm sorry. One more, one more. I  
8 spoke too soon. Maybe, we will do this one here. This one's  
9 not in evidence.

10 Let me show you 2646 for identification.  
11 Do you recognize what's depicted in that photograph? You  
12 don't have to tell me what it is, just do you recognize what  
13 is in the photograph?

14 A. Yes. I do.

15 Q. Okay. Is that a photograph of a portion of the  
16 room where the body was discovered? You can see what appears  
17 to be part of Carol's body here. Is this the way it looked,  
18 in this general area, near the chair between the body, on  
19 July 2, 2008?

20 A. I believe so, yes.

21 MR. SEARS: Thank you. I move 2646.

22 MR. BUTNER: No objection.

23 THE COURT: 2646 is admitted.

24 MR. SEARS: Phil, could you get the lights?

25 Q. Let me now show you -- okay, this is 2646 -- and



1 we've talked about this now and I think there are some  
2 things you can see.

3 Here's the checkbook that we've talked  
4 about. Here is the edge of that desk chair; correct? That's  
5 the desk chair; right?

6 A. Right.

7 Q. And this is Carol over here in the upper left-hand  
8 corner; correct?

9 A. Right.

10 Q. Okay. Now, we've had some interest in this stain  
11 here on the carpet, okay. It appears to be blood, from this  
12 photograph; doesn't it?

13 A. Yes.

14 Q. Okay. Did you see this that night?

15 A. I probably did.

16 Q. Okay. Did you have any opinion as to what it was?

17 A. I still don't.

18 Q. You still don't. Could it be a handprint?

19 A. I am having trouble seeing a handprint.

20 Q. Do you see what may be a palm and then fingers out  
21 here?

22 A. That's possible.

23 Q. Okay. You just don't know?

24 A. I just don't know.

25 Q. Now, let's talk about ways to collect evidence. I

1 am sure, without knowing, that from time to time you have  
2 been involved in crime scenes where there has been evidence  
3 on carpet like this; correct?

4 A. Blood evidence, yes.

5 Q. Blood evidence, and I guess that would be the most  
6 common thing or maybe other bodily fluids, too; right?

7 A. Yes.

8 Q. Okay. And it's not uncommon, is it, to have  
9 someone take out a knife and just simply cut a square or a  
10 rectangle of carpeting out that has the questioned evidence  
11 on it; right? That can be done; right?

12 A. Yes.

13 Q. Okay. And pretty sure this carpet is ruined  
14 forever and all time; correct? So, it's not a matter of  
15 damaging somebody's property; right?

16 A. Right.

17 Q. Okay. That wasn't done; was it?

18 A. No.

19 Q. So, it was just photographed -- no sections of  
20 carpeting survived; right?

21 A. Right.

22 Q. Not a single section of carpeting?

23 A. No, I did not take any of the carpeting.

24 Q. Alright. If you could resume your seat up  
25 there -- I am now done, Phil.

1                                Were you there that night when the D.P.S.  
2 evidence techs arrived?

3            A.        I believe they arrived in the afternoon.

4            Q.        The following day?

5            A.        On the 3rd, yes.

6            Q.        Were you there then?

7            A.        I was there for a while.

8            Q.        Who directed, if anybody, the D.P.S. -- and when I  
9 say "D.P.S.," I mean Arizona Department of Public Safety --  
10 the state police; correct?

11           A.        Yes.

12           Q.        Who directed them?

13           A.        I believe I spoke with them and advised them of  
14 what we were looking for. I'm not sure if anybody else spoke  
15 with them.

16           Q.        Okay. How many were there?

17           A.        I believe it was two.

18           Q.        Do you remember their names?

19           A.        Becky and Kortney.

20           Q.        Okay. And that would be Rebecca Love Holt and  
21 Kortney Snider?

22           A.        I believe so.

23           Q.        Okay. How about Erin Daniels?

24           A.        I don't remember.

25           Q.        Okay. Had you worked with either Kortney Snider

1 or Becky Love Holt before?

2 A. I believe Becky and probably Rebecca, too.

3 Q. Now, you told us before that the Sheriff's  
4 Department had its own evidence technicians; right?

5 A. Yes.

6 Q. Why was D.P.S. called?

7 A. Due to the fact that I wanted some more thorough  
8 searching of blood samples or collection.

9 Q. Okay. Blood collection is sometimes called  
10 serology; isn't it?

11 A. True.

12 Q. Okay. Was there no one at the Sheriff's office  
13 that was trained in collecting serological evidence?

14 A. Yes, we do, but I also wanted them to be able to  
15 tell me on the spot whether it was blood or not. They have a  
16 test that they can conduct.

17 Q. Sheriff's office couldn't do that?

18 A. No, we don't have that.

19 Q. What about fingerprint lifts?

20 A. They did that, too.

21 Q. They did that?

22 A. Yes.

23 Q. Now, the Sheriff's office can do that also; right?

24 A. True.

25 Q. Why was D.P.S. involved in doing fingerprints?

1           A.     They have more experience with that.

2           Q.     And what else was being collected, in terms of  
3 biological evidence, that you felt D.P.S. needed to do for  
4 you?

5           A.     I believe that was what I was looking for -- was  
6 for them to be able to do the field test for the blood on the  
7 spot, fingerprints and serology collection.

8           Q.     And tell us, then, what you told these D.P.S.  
9 criminalists you were looking for?

10          A.     Basically, what I just stated right now.

11          Q.     I'm sorry?

12          A.     Just what I said right now.

13          Q.     Can you say it again?

14          A.     That I was looking for fingerprints, blood  
15 evidence, and for them to test and tell me whether it is  
16 blood or not.

17          Q.     And did you direct them to particular places  
18 inside that house that you wanted them to test?

19          A.     I believe I was mainly concerned with the crime  
20 scene room and then they could expand their search after  
21 that.

22          Q.     Let's go back to the crime scene room. I believe  
23 you told us, when we were here many weeks ago now, that you  
24 did not have a clear recollection then, a few weeks ago, of  
25 the condition of the doors and windows in that house as to

1 which ones were locked or unlocked or open at the time of the  
2 discovery of the body. Is that right?

3 A. True.

4 Q. That would have been a very important fact to  
5 begin with as you began to assess this scene because it would  
6 have had some relationship to how the person or persons that  
7 did this got inside the house; correct?

8 A. True.

9 Q. Because you didn't see any signs of forced  
10 entry -- you didn't see any doors that were pried open or  
11 windows that were broken; did you?

12 A. Right.

13 Q. So, that would leave, really, two possible  
14 alternatives; that Carol Kennedy let someone in the house who  
15 did this; right -- opened a locked door and let the person  
16 in; correct?

17 A. Yes.

18 Q. Or that the person came in through an unlocked  
19 door either with or without a key; correct?

20 A. True.

21 Q. Now, you didn't have any reason, ultimately, at  
22 the end of your investigation to believe that Carol Kennedy  
23 let the person that did this into the house; right? There  
24 was nothing that you discovered in your investigation that  
25 made you think that Carol Kennedy opened the door for these

1 people; correct?

2 A. Right.

3 Q. Okay. So, the operating assumption, then,  
4 throughout this investigation, has been that whoever did this  
5 got into the house through an unlocked door; correct?

6 A. That is possible, yes.

7 Q. But you don't know which door it was?

8 A. No.

9 Q. And we looked at -- let's look at 631 again. 631  
10 is the floor plan at Bridle Path. Let's do north up and make  
11 everybody feel like we are on the same page. You recognize  
12 this is generally a north up diagram; correct?

13 A. Yes.

14 Q. Okay. Now, on the north side we talked about this  
15 door here, which is a glass and wood door with a deadbolt and  
16 a door handle -- we'll call that the north door, okay?  
17 There's that door; correct?

18 A. Okay.

19 Q. This door on the west side -- other people have  
20 referred to as what appears to be the front door -- if you  
21 came in off Bridle Path and walked up to the house, there's a  
22 covered porch here. This would look like the front door to  
23 the house; correct?

24 A. Right.

25 Q. And then this is the door into the kitchen, dining

1 room area, and that's the door you actually went in; correct?

2 A. Right.

3 Q. Okay. Then, we have -- back here at the back --  
4 we have a door into the room where the body was found -- up  
5 here in the northeast corner; correct?

6 A. Right.

7 Q. Okay. And, then, is there a door -- here's the  
8 master bedroom here. Is there a door out of this master  
9 bedroom to the outside?

10 A. I believe so. Right there.

11 Q. Right there. Okay. And on the north side this is  
12 another bedroom -- this is a bathroom in here; correct?

13 A. Yes.

14 Q. Okay. And this is another bedroom that you came  
15 to believe was Katie DeMocker's bedroom; correct?

16 A. Yes.

17 Q. Okay. And there's a door to the outside from that  
18 bedroom; correct?

19 A. Yes.

20 Q. So, this is a house that is designed, basically,  
21 with a lot of doors that all of these bedrooms -- these being  
22 three -- had their own separate doors to the outside of the  
23 house; correct?

24 A. Yes. I believe Katie's room had some sort of  
25 furniture across the doorway.



1 Q. Blocking the door?

2 A. Right.

3 Q. Okay. But when the house was designed,  
4 apparently, there was some effort in the design to have each  
5 of these bedrooms accessible from the outside. And there  
6 were three bedrooms. There's a master bedroom -- and where  
7 the body was found appeared to be a bedroom; correct, at one  
8 time?

9 A. Yes.

10 Q. In fact, you learned that that was Charlotte's  
11 room; correct?

12 A. I believe so.

13 Q. One of the ways you could tell that, the word  
14 "Charlotte" was written up on this wall; wasn't it? Large  
15 letters?

16 A. I don't remember.

17 Q. Okay. We may look at some pictures of that -- but  
18 there's no question in your mind that at one time this was  
19 Charlotte's bedroom; correct?

20 A. That is what I was told.

21 Q. Okay. But Charlotte was living with her dad at  
22 the time of the murder; correct?

23 A. Right.

24 Q. And, so, this room, apparently, was being used by  
25 Carol as an office because there's a desk and there are

1 bookshelves and other items consistent with an office -- an  
2 office chair. That's what this room looked like; right?

3 A. Yes.

4 Q. Okay. And Katie was living with her mother when  
5 she was in town, but she was a college student; correct?

6 A. Right.

7 Q. And she had just left a few days earlier for a  
8 semester abroad to study in Africa. You know that; correct?

9 A. I believe so, yes.

10 Q. Okay. So, she wasn't there that night; correct?

11 A. No.

12 Q. She was actually traveling on her way to Africa  
13 when this all happened; right?

14 A. Right.

15 Q. Okay. Now, you told us that, apart from the fact  
16 that you went in this door, you can't tell us -- you can't  
17 give us any information today about what the condition of the  
18 north door, Katie's bedroom door, Charlotte's bedroom door,  
19 the master bedroom door were at the time Deputy Taintor  
20 arrived on the scene -- which doors were open and which doors  
21 were locked?

22 A. What I stated is that I couldn't tell you if that  
23 door there was locked or not.

24 Q. Okay. That door there -- just for the record --  
25 that's the door from the room where the body was found to the

1 outside; correct -- on the north wall of the house?

2 A. Right.

3 Q. Okay. That one you don't know anything about?

4 A. Right.

5 Q. Okay. What about the other doors?

6 A. I believe the one that you are pointing at right  
7 now was locked.

8 Q. Okay. Now, let's be real clear. The one I am  
9 pointing at now is the north door that leads from the living  
10 and dining room area outdoors, and it's a little path into  
11 the garage; correct?

12 A. Right.

13 Q. Okay. And you think that door was locked?

14 A. Yes.

15 Q. What makes you say that?

16 A. I believe I went around the outside and I tried  
17 gaining access to the house.

18 Q. And at what point in your visit to the house?  
19 Right at the beginning?

20 A. I believe it was me and Doug Brown -- me and Doug  
21 Brown when we entered and after we examined the room, we  
22 exited the master bedroom, and that door was locked because  
23 he unlocked it to get out. Then we went around, and that's  
24 when we examined that blood drop outside on the sidewalk.

25 Q. Right there?

1           A.     Yes. After we kind of examined the scene from  
2 there -- that side -- we went to this part.

3           Q.     That door appeared to have something on the inside  
4 blocking it; right? Was it locked or unlocked? I'm talking  
5 about the door -- the Katie door?

6           A.     I couldn't tell you if it was locked or not.

7           Q.     Okay. And, then, you got around to this door --  
8 the north door, and you think it was locked, too?

9           A.     Yes.

10          Q.     Did you write any of this down?

11          A.     No.

12          Q.     Okay. This is your recollection two years later?

13          A.     Yes.

14          Q.     Okay. What about the garage door? Was it locked?

15          A.     I believe it was open.

16          Q.     Okay. What about the front door?

17          A.     I believe that was locked, too.

18          Q.     That's your best recollection?

19          A.     Yes.

20          Q.     Okay. Well, that leaves, then, assuming that  
21 that's the condition of these doors and that was the way it  
22 was when the body was discovered -- that leaves this door  
23 here on the south wall that you entered in and all the other  
24 officers before you entered into -- that goes into the dining  
25 room kitchen area -- as a place where the perpetrator could

1 have gotten in; correct?

2 A. That's possible.

3 Q. Okay. And the other place may be this door to the  
4 room where the body was, whether it was open or not; right?

5 A. True.

6 Q. Yeah. All these doors, though, could be locked  
7 from the inside. A person wanting to leave could have turned  
8 the thumb latch and pulled the door behind him and locked it;  
9 right? Every one of these doors had that capacity; didn't  
10 it?

11 A. Ask again.

12 Q. You understand what I'm talking about -- do you  
13 know what a thumb latch is on a door handle?

14 A. I am not sure if they had a thumb lock or not. I  
15 know they had a deadbolt.

16 Q. Okay. Well, let me put the question another way.  
17 Could any of these doors to the outside in this house have  
18 been locked without using a key?

19 A. I don't know.

20 Q. That would be important to know; wouldn't it?  
21 Because that fact would determine whether or not a  
22 perpetrator in this case -- that's a fancy word for a  
23 murderer in this case -- could have come in through an  
24 unlocked door, but, then, upon leaving, locked the door  
25 behind them without a key?

1 A. True.

2 Q. So that's important; right?

3 A. True.

4 Q. So, wouldn't you want to know how to lock all the  
5 doors?

6 A. I believe at one point one of the deputies did go  
7 around and examine all of the doors before we arrived.

8 Q. Okay. And is there in some place a description of  
9 how each of these doors is locked?

10 A. It might be in his report, but I don't remember.

11 Q. Who was that?

12 A. Might have been Scott Joy, or the other deputy  
13 that was there was Taintor.

14 Q. Okay. Let me show you 2528. This is a little  
15 confusing because it is taken in the daytime, and this is a  
16 glass door and it's reflecting what's behind the  
17 photographer. But, if I told you that this is the door that  
18 we looked at in 631 -- into the room where the body was  
19 found -- does that look like the door you saw?

20 A. I believe so, yes.

21 Q. Okay. Now, this is from the outside looking in,  
22 obviously; right?

23 A. Right.

24 Q. Okay. And you see this is the deadbolt up here;  
25 correct?

1 A. Right.

2 Q. And it has a key; correct?

3 A. Right.

4 Q. And this is a door knob that has a separate key.

5 So, there's two locking mechanisms that require keys on the  
6 outside; correct?

7 A. True.

8 Q. Okay. Do you have any idea whether they are keyed  
9 the same, or does this require two keys?

10 A. Don't know.

11 Q. Did you ever find any keys?

12 A. I believe we did.

13 Q. Okay. Where?

14 A. They might have been on the kitchen counter in her  
15 purse.

16 Q. Okay. Were they ever tried against any of these  
17 doors?

18 A. I did not.

19 Q. Do you know if anybody else did?

20 A. Don't know.

21 Q. Okay. Now, Mr. DeMocker's office, his residence,  
22 his car, eventually his Phoenix office, his Phoenix  
23 apartment, another rental car, mini storage units that he  
24 owned here and in Phoenix, or rented here and in Phoenix,  
25 were all searched in this case; correct?

1           A.     I believe so, yes.

2           Q.     Were keys to Bridle Path ever found in any of  
3 those places under the control of Mr. DeMocker?

4           A.     Not that I know of.

5           Q.     Do you have any evidence that says that  
6 Mr. DeMocker had a key to any of the doors at Bridle Path on  
7 July 2nd, 2008?

8           A.     Ask again.

9                   MR. SEARS:   Could I have that one read, Your  
10 Honor?

11                   THE COURT:   Yes.

12                   (Whereupon, the relevant portion  
13 of the record was read back.)

14                   THE WITNESS:  No, I don't.

15 BY MR. SEARS:

16           Q.     Do you know whether Carol Kennedy had the locks  
17 changed after Mr. DeMocker moved out at her residence at  
18 Bridle Path?

19           A.     I don't know.

20           Q.     Was anyone asked by you, anyone being, for  
21 example, the DeMocker daughters or Mr. DeMocker himself --  
22 ask whether Mr. DeMocker had a key to Bridle Path?

23           A.     Which question would you like me to answer first?

24           Q.     That is more than one question; isn't it?  Let's  
25 try one at a time.



1                               Did you ask Katie or Charlotte if they  
2 knew whether their father had keys to Bridle Path?

3           A.     I didn't ask Charlotte. I never got a chance to  
4 ask Katie.

5           Q.     She was out of the country; correct?

6           A.     Right.

7           Q.     Okay. And you had a chance to talk to Steve, and  
8 you didn't ask him if he had keys to the house; correct?

9           A.     No. That question did not occur to me then.

10          Q.     Okay. And you talked to a lot of other people  
11 while you were investigating this case; correct?

12          A.     True.

13          Q.     Did you ever ask any of those other people if they  
14 knew whether Steve had a key to the Bridal Path house?

15          A.     No, but I did learn that Carol would normally  
16 leave the doors open or unlocked.

17          Q.     Okay. That's a whole other issue. I'm just  
18 talking about keys.

19                       So my question was: Did you ever ask  
20 anybody else, other than Charlotte or Steve, if they knew  
21 whether Steve had a key for the house?

22          A.     No.

23          Q.     Okay. And you don't even know for a fact whether  
24 to get into all these doors you would need more than one key;  
25 right?

1           A.     True.

2           Q.     So, this picture right here -- you might need two  
3 keys. If the deadbolt and door handle were both locked, that  
4 might require two separate keys; correct?

5           A.     That's possible, yes.

6           Q.     Now, where's the picture of the other side of this  
7 door that was taken by law enforcement that shows whether  
8 there was a thumb latch on either the deadbolt or the door  
9 handle that would allow somebody to lock this door behind  
10 them without using a key?

11          A.     Where's the other picture? I'm sure there's other  
12 pictures. I just don't know which one.

13          Q.     Do you think you've ever seen a picture of the  
14 other side of this door that shows the other side of this  
15 deadbolt and the other side of this door handle?

16          A.     I don't know if there is one or not.

17          Q.     Would it be important to know?

18          A.     I'm sure there is some picture -- overall pictures  
19 that were taken that would show that.

20          Q.     Going back to 631 here, there are windows --  
21 there's a window here on the east wall -- that's a window  
22 that would allow somebody that night to look -- to stand on  
23 this little covered patio area here and look into the room  
24 and see the body; correct? You can look right through that  
25 window and see the body; correct?

1 A. I believe so, yes.

2 Q. Was that window locked or unlocked?

3 A. I don't remember.

4 Q. Was it capable of being locked? Did it have a  
5 locking mechanism on it?

6 A. I don't remember.

7 Q. Did it have any kind of window coverings on it?

8 A. I don't remember.

9 Q. Did this glass door that we just looked at here --  
10 let's look at 2528 again and see if it helps us remember.  
11 Are there any window coverings on the glass part of the door  
12 shown in 2528?

13 A. I'm not sure. But that's the way we found it.

14 Q. Let me show you 2530. It's a close-up of that  
15 same door. Do you see anything on the glass portion of 2530  
16 that looks like a window cover? Mini blinds or drapes or  
17 anything like that?

18 A. No. It could be one. It could just be up on top.

19 Q. You can't see it from those photographs; correct?

20 A. Right.

21 Q. Okay. What about windows into the master bedroom?  
22 Are there any windows along this south wall that are not  
23 shown in this floor plan looking into the master bedroom?

24 A. There might be a window in the master bedroom and  
25 one over here in this -- yeah, like right around there.

1 Q. Might this be glass blocks? Some sort of glass  
2 block?

3 A. Yeah. That's possible, yes.

4 Q. Okay. Do you think there is a window in this  
5 wall, though, looking into the bedroom?

6 A. I believe so.

7 Q. Were there window coverings on that?

8 A. I don't know.

9 Q. The guest house is down here to the south; right?

10 A. Right.

11 Q. And it has windows along the wall that look right  
12 at the main house; correct?

13 A. I believe so.

14 Q. Did you ever go in the guest house?

15 A. Yes, I did.

16 Q. How about window coverings on this glass door  
17 leading into the dining room? Were there drapes or mini  
18 blinds or anything there?

19 A. I don't think there was.

20 Q. You said you had information that Carol left the  
21 doors open. Was there information specific enough to  
22 indicate which doors she typically left open?

23 A. No, I don't.

24 Q. You know that her mother, Ruth Kennedy, when she  
25 was interviewed said that it was sort of a standing ritual

1 that at some point during their conversations in the evening  
2 Ruth Kennedy would tell Carol, her daughter, to be sure the  
3 doors were locked, and Carol would say "yes, mama." Do you  
4 remember her saying that?

5 A. No. I don't know that.

6 Q. Did you ever talk to Ruth Kennedy?

7 A. No.

8 Q. Did you ever talk to Ruth Kennedy's son, John  
9 Kennedy, Carol's brother?

10 A. No.

11 Q. Now, let's move to another part of the crime scene  
12 preservation. We talked about -- this is from Exhibit 818.  
13 This is Exhibit 2316 in evidence. We talked about this many  
14 weeks ago. This is the front of the house from Bridle Path  
15 on a very yellow day, apparently, and we talked about --  
16 we'll look at a better picture -- maybe this is the better  
17 picture.

18 Let's look at 2317, which comes out of  
19 Exhibit 819. You can see we talked at some length about  
20 these automobile tire impressions; correct?

21 A. Yes.

22 Q. Okay. And we talked about the question of whether  
23 or not you or anyone else at your direction, or anybody  
24 acting independently, did any investigation of either the  
25 impressions that we see here in this photograph or the

1 impressions in 2316 over here behind the tree -- that's the  
2 front door to the house generally in that area; isn't it?

3 A. I believe so.

4 Q. Okay. And there were possible tire impressions  
5 and shoe print impressions that would have been on the dirt  
6 over here on this part of the driveway. And you told us, in  
7 general, that you don't believe any investigation was done of  
8 those tire print or possible shoe print impressions; correct?

9 A. Well, I went back and read the reports since you  
10 asked me that question.

11 Q. I did. You've had five weeks to think about it?

12 A. Yes.

13 Q. Good for you. What did you find?

14 A. I found out that Detective Shonna Willingham  
15 actually walked that other area around the neighbor's yard,  
16 and she probably walked by this area. Also, Detective Alex  
17 Jaramillo. I asked him to canvas the property, and I also  
18 walked around that other side by the garage and the back side  
19 of the property and this side of the property when I was  
20 searching.

21 Q. And what did you see?

22 A. Nothing that stood out.

23 Q. Okay. There were tire impressions that you could  
24 see in other photographs here. I presume there were tire  
25 impressions all around in this driveway; weren't there?

1           A.     They were overlapping each other. It looked like,  
2 you know, people who live there that drive in and out.

3           Q.     Dirt road, dry part of the year.

4           A.     Almost like crushed granite.

5           Q.     Yeah. Automobiles come in and they leave  
6 impressions; correct?

7           A.     Yes.

8           Q.     Were you looking for shoe print impressions?

9           A.     Yes, because I found the other one.

10          Q.     What did you see over here?

11          A.     Nothing.

12          Q.     Not a single --

13          A.     Nothing that I can remember. Nothing.

14          Q.     Well, were there any photographs taken of this  
15 area over here?

16          A.     If we would have found it, we would have taken it.

17          Q.     Actually, you can drive on this road around  
18 here -- you go all the way around the house and drive right  
19 up to the back door; can't you?

20          A.     I believe so. By the garage.

21          Q.     Yeah, around behind the garage and all the way up  
22 to the back of the house?

23          A.     Right.

24          Q.     Okay. Did you follow that?

25          A.     Yes, I did.

1 Q. Okay. Were there tire impressions there?

2 A. Not that I can remember.

3 Q. Okay. Now, I think you told us that you were  
4 aware that criminalists took Steve DeMocker's car, which was  
5 seized the next day with a search warrant -- we'll talk about  
6 that. That the search warrant took -- and among the things  
7 that were done to investigate his car, paper was laid out,  
8 tires were inked, the vehicle -- the tires were rolled to  
9 make an impression of the tire pattern of Mr. DeMocker's car;  
10 correct?

11 A. True.

12 Q. Okay. Now, that's a fairly sophisticated test;  
13 right? That's not something you do in every single case;  
14 right?

15 A. We've been trying to be more thorough, and we try  
16 to do that in every possible -- if there's a vehicle  
17 involved.

18 Q. Okay. Tell me one comparison that was made with  
19 the inked impression of Mr. DeMocker's car tires in this  
20 case?

21 A. They were taken as a precaution in case we needed  
22 them.

23 Q. My question is: Tell me one set of questioned  
24 impressions on the ground someplace or on pavement someplace  
25 against which Mr. DeMocker's tires were compared?



1           A.     None. We had nothing to compare against.

2           Q.     Okay. Well, we've had, for example, these  
3 pictures in 2318 -- we can see tire impressions right there;  
4 correct?

5           A.     True.

6           Q.     You can see them coming out to the road, and we  
7 can see another set that look like they are going off here to  
8 the north; correct?

9           A.     I don't know if they're detailed enough or if they  
10 were detailed enough to provide some sort of evidence.

11          Q.     Eventually, you and the other detectives were very  
12 interested in impressions that were found in the dirt down by  
13 Glenshandra. There's been a lot of testimony so far and  
14 there will be much more about that. You all were very  
15 interested in that evidence; right?

16          A.     Yes.

17          Q.     But you're telling me you had no interest at all  
18 in seeing whether or not these tire impressions, that are so  
19 visible in these photographs here, may have been made by  
20 Mr. DeMocker's car?

21          A.     Ask again.

22          Q.     You had no interest, apparently, in determining  
23 whether or not these tire impressions, that you can see here  
24 in this photo 2318 in evidence, were made by Mr. DeMocker's  
25 car?

1           A.     I don't know if those tire tracks right there  
2 would have provided that kind of information.

3           Q.     You didn't even try; did you?

4           A.     To my knowledge, if I would have seen that there  
5 was detail enough there, we would have collected them.

6           Q.     No photographs of any forensic quality were taken  
7 of these pretty clear tire impressions; were there?

8           A.     Due to the fact that I don't believe the detail  
9 was there.

10          Q.     And we'll see later on, through other witnesses,  
11 the impressions that you do think are important were over by  
12 Glenshandra -- the bicycle tire and these supposed shoe  
13 prints over here. We'll see whether those have sufficient  
14 detail. But those were carefully photographed; right?

15          A.     Yes. I believe that was the exit and entry point.

16          Q.     Okay. But you had Mr. DeMocker's tire impressions  
17 on paper, and you had the ability to at least study these  
18 tire impressions to see whether or not Mr. DeMocker's -- any  
19 part of Mr. DeMocker's tire could have made any part of these  
20 impressions, and that would have been very important; right?

21          A.     If there was detail there.

22          Q.     Because Mr. DeMocker told you that he hadn't been  
23 to the house in a week or a week and a half. He had made one  
24 trip out to drop off some art work. That's what he told you  
25 in a video recorded interview; isn't that right?

1 A. True.

2 Q. Okay. And maybe these would be his tire  
3 impressions. Maybe that would corroborate that; right?

4 A. From what he told me, he said he was -- he went  
5 over to the garage and unloaded the stuff by the garage.

6 Q. Okay. We can see that more clearly, perhaps, in  
7 2316. The garage is around on this side; correct?

8 A. Yes.

9 Q. So, he would have presumably either gone around  
10 the loop this way and out to the garage or, logically, taken  
11 this left along the fence line here and out to the garage;  
12 correct?

13 A. Right.

14 Q. And you said you didn't see any tire impressions  
15 at all?

16 A. Nothing that was detailed enough.

17 Q. What does that mean? Does that mean that  
18 Mr. DeMocker was lying about being there?

19 A. No. It means that several people, or Miss Kennedy  
20 or Jim Knapp, have come in and out of the house several times  
21 like they normally do and run over the tire impressions.

22 Q. Now, you had Miss Kennedy's car; right?  
23 Miss Kennedy's car was in the garage; right?

24 A. True.

25 Q. You didn't ink her tires; right?

1 A. No.

2 Q. And you had Mr. Knapp's truck there that night,  
3 although you let him drive away in it. But he was there that  
4 night with his truck; right?

5 A. True.

6 Q. Okay. And you could have done the same thing with  
7 either his truck or Miss Kennedy's car at some point,  
8 presumably, to get an inked impression of their tires to see  
9 if those were consistent with Miss Kennedy or Mr. Knapp?

10 A. Mr. Knapp's tires would be there. He lives there.  
11 Miss Kennedy's tires, the same thing, she lives there. They  
12 would be there.

13 Q. But there may be other tires that are neither Miss  
14 Kennedy or Mr. Knapp; right, and you just couldn't tell?

15 A. I couldn't tell from the detail, no.

16 Q. Let's look at 857. Okay. Now, this is the  
17 area -- let's start a little bit further out. This is the  
18 area near the trailhead at the end of Glenshandra. This is  
19 the end of Glenshandra. There is the gate, and here is the  
20 open land, and here is the crime scene tape; correct?

21 A. Yes.

22 Q. And this is the way it looked when you saw it in  
23 the daylight on July 3, 2008; correct?

24 A. Yes.

25 MR. BUTNER: Mr. Sears -- Judge, I think he's

1 referring to the disk from which that photograph came.

2 THE COURT: 857.

3 MR. BUTNER: And, so, we need a better number  
4 for that exhibit number.

5 MR. SEARS: 2299. Thank you so much,  
6 Mr. Butner. It's probably Exhibit 857. The problem is that  
7 the evidence items from the State were placed on disks, and  
8 we had to extract individual photos. This is 2299.

9 MR. BUTNER: That is admitted. Thank you.

10 MR. SEARS: From 857. Okay.

11 Q. Now, we can see here at the bottom -- this appears  
12 to be automobile tire impressions on this dirt area before  
13 you get into this graveled area heading more or less east  
14 towards the gate at the end of Glenshandra; correct?

15 A. Yes.

16 Q. Okay. Those tire impressions were there on the  
17 morning of July 3, 2008 when you got to this location;  
18 correct?

19 A. I believe so.

20 Q. Now, tell me what you did, if anything, to  
21 determine whether Mr. DeMocker's car made these impressions?

22 A. None. My concentration on the evidence was past  
23 that gate. That was the evidence that I was interested in  
24 due to the fact that it had rained the previous night and  
25 those were fresh.

1 Q. Are these tire impressions fresh?

2 A. The best evidence that I could collect was back  
3 there.

4 Q. Were these tire impressions fresh?

5 A. I don't know.

6 Q. You weren't paying any attention?

7 A. No.

8 Q. Okay. Now, you knew this -- you knew by the time  
9 you got out to the scene on July 3, you knew that  
10 Mr. DeMocker had said that he had driven his car out within a  
11 few miles of this location, parked it up on Rainmaker and  
12 went on a bicycle ride. That's what he told you; correct?

13 A. Yes.

14 Q. Okay. And we'll talk about your theory here in  
15 much more detail -- but a developing theory on the morning of  
16 July 3 was that Mr. DeMocker rode his bike, apparently, down  
17 Glenshandra, went through this gate and rode out onto the  
18 open land; correct?

19 A. Yes.

20 Q. Okay. Is it possible that Mr. DeMocker drove his  
21 car to this area here, at the end of Glenshandra, took his  
22 bike out and rode his bike through?

23 A. It's possible. But I don't see any reason why  
24 Mr. DeMocker would lie.

25 Q. Could I hear that again?

1 A. Why would Mr. DeMocker lie?

2 Q. Precisely. Precisely.

3 A. Due to the fact that when I questioned him about  
4 his vehicle and his GPS unit, that's when he told me about  
5 where he parked.

6 Q. It turns out that GPS unit was of no value to law  
7 enforcement in determining where Mr. DeMocker had been;  
8 right?

9 A. True.

10 Q. Now, there's a function on some GPS units called  
11 bread crumb, sort of Hansel and Gretel, that the way they  
12 found their way back was to drop a trail of bread crumbs.  
13 And there's this idea with GPS, Global Positioning Satellite  
14 Technology, that it would actually leave an electronic record  
15 of where the unit went?

16 A. True.

17 Q. Okay. We saw that -- see that with Detective  
18 Kennedy. She had her GPS unit on to see how she drove around  
19 that day. But that wasn't available in Mr. DeMocker's car;  
20 right?

21 A. No.

22 Q. Okay. So, you think Mr. DeMocker was trying to  
23 out smart you because he was afraid that his GPS unit would  
24 show something different if he lied?

25 A. That's possible.

1 Q. Ah, okay. Or is it possible that he was just  
2 telling you the truth?

3 A. Don't know.

4 Q. Don't know. That he parked up on Rainmaker and  
5 never went anywhere near Glenshandra that night. That's what  
6 he told you; right?

7 A. According to him, yes.

8 Q. Okay. So, the part about him being up on  
9 Rainmaker is true; as far as you know?

10 A. As far as I know.

11 Q. Okay. But then he is lying about where he went;  
12 correct?

13 A. I believe so.

14 Q. Okay. Okay. Now, if Mr. DeMocker was lying about  
15 where he went, could Mr. DeMocker have been lying about  
16 whether he drove his car to this area here in Exhibit 2299?

17 A. Yes.

18 Q. Okay. Wouldn't it have been important to prove or  
19 disprove his story by using this evidence that you carefully  
20 collected, the inked tire impressions from his car, against  
21 these tire impressions? Because if you had Mr. DeMocker's  
22 tires making these marks here in the dirt -- we can see in  
23 2299 -- that would be very important; wouldn't it?

24 A. Yes.

25 Q. You didn't do that?



1           A.     No. The tire impressions were taken as a  
2     precaution.

3 || O. For what?

4           A.     If I needed them later.

5 Q. Okay. When was later going to be?

6                   A.     It never came up.

7 Q. Because nobody thought anything -- nobody being  
8 you, primarily -- never thought anything about these tire  
9 impressions or whether they were connected with this case;  
10 right?

11 A. That's correct.

12 MR. SEARS: Your Honor, this might be a good  
13 time to take the recess, if you're inclined.

14 THE COURT: I think it would, Mr. Sears.

15 Thank you.

16 Ladies and gentlemen, please remember the  
17 admonition. I would ask that you please be assembled in 15  
18 minutes. That's what I like to do in having a recess. I  
19 like to give you an assembly time and start as soon as we can  
20 after that. So, we will see you in a little bit. Thank you.

21 MR. SEARS: Thank you, Your Honor.

22 (Whereupon, the jury exits the courtroom.)

23 (Brief recess.)

24 (Whereupon, the jury enters the courtroom.)

25 THE COURT: Please be seated. Thank you.

1                   The record will show the presence of the  
2 Defendant, all of the attorneys who were present earlier are  
3 again present, and the jurors have all returned, as well.  
4 Mr. Huante has resumed the witness stand.

5                   Mr. Sears, we are ready to proceed.

6                   MR. SEARS: Thank you very much, Your Honor.

7                   CROSS-EXAMINATION RESUMED

8 BY MR. SEARS:

9                   Q. Let me show you Exhibit 2529 here. 2529 in  
10 evidence, Sergeant, is a close-up of the door knob on the  
11 outside of the door into the room where Carol Kennedy was  
12 found. Is that the way it looked to you that night?

13                  A. I believe so.

14                  Q. Okay. Do you see -- let me find the laser pointer  
15 here before I -- do you see up here on the door knob -- do  
16 you see an orangish-reddish stain up here? If you need to  
17 step down that would be fine. That will give me a minute to  
18 find the laser pointer.

19                  A. There's some discoloration there.

20                  Q. Pardon me?

21                  A. There's some sort of discoloration there.

22                  Q. There is. What is that?

23                  A. I don't know.

24                  Q. Is that blood?

25                  A. I don't know.

1           Q.     Was that swabbed by any of the criminalists,  
2 including Kortney Snider, the D.P.S. serologist?

3           A.     You would have to ask them.

4           Q.     Okay. If that were blood on that door knob -- on  
5 the door leading into the room where the body was -- that  
6 would be extremely important evidence; right?

7           A.     True, if it was blood.

8           Q.     Okay. You can't tell us as you sit here today  
9 what that is?

10          A.     No. I can't.

11          Q.     Do you have any recollection, without regard to  
12 this photograph, of blood being discovered on the door knob,  
13 either the inside or outside door knob of the door leading in  
14 to the room where Carol Kennedy was discovered?

15          A.     I do remember one of the D.P.S. criminalists  
16 dusting for fingerprints and doing blood serology on the door  
17 -- behind this door on the handle.

18          Q.     And you just don't remember what the results are?

19          A.     I don't.

20          Q.     Okay. You can have a seat, if you would please.

21 A good point to go back to our discussion about best  
22 practices for crime scene investigation.

23                         When you start an investigation, may we  
24 presume that you do so with an open mind to all  
25 possibilities?

1 A. Yes.

2 Q. If you did it any other way, that would be very  
3 wrong; right? If you came in with any preconceived idea  
4 about what happened or who did this, that would not be the  
5 best way to begin an investigation; correct?

6 A. No, I need to be open-minded.

7 Q. You want to come in with eyes wide open and your  
8 mind wide open to anything is possible; correct?

9 A. Yes.

10 Q. Okay. Including the possibility that this might  
11 not have been a murder?

12 A. True.

13 Q. Early on there was some suggestion this might have  
14 been a fall; correct?

15 A. That was possible, yes.

16 Q. Okay. And you quickly rejected that, and I think  
17 we know the reasons why -- we've talked about that with other  
18 witnesses -- but you rejected that and believed, and believe  
19 today, that Carol Kennedy was murdered?

20 A. Yes.

21 Q. It was not an accident?

22 A. Right.

23 Q. Okay. Now, you know that at the autopsy, Carol's  
24 fingernails were clipped, and they were eventually sent to --  
25 first a D.P.S. lab and, eventually, to a lab in Salt Lake

1 City called Sorensen for testing. You know that; right?

2 A. Yes.

3 Q. Okay. And underneath the fingernails clipped from  
4 her left hand, DNA was found; correct?

5 A. Yes.

6 Q. And you know that there was what's called a "full"  
7 profile of an unidentified -- as yet unidentified -- male  
8 discovered under the fingernails from her left hand; correct?

9 A. I don't know if it was a "full" profile.

10 Q. Okay. If I told you that one of the criminalists  
11 described it as a fabulous profile; is that news to you?

12 A. Yes.

13 Q. Okay. When I talk about a "full" profile, do you  
14 have some understanding of what I'm talking about?

15 A. A profile where there are enough markers to make  
16 an identification.

17 Q. Do you know how many markers are typically  
18 examined in a typical forensic DNA analysis?

19 A. I believe the last time I checked it was 7.

20 Q. How about 14? Does that sound right?

21 A. That's possible, yes.

22 Q. Okay. You just don't know?

23 A. No, I don't.

24 Q. Okay. You use DNA, but you're not a DNA expert  
25 any more than you are a blood spatter expert; correct?

1           A.     True.

2           Q.     Okay. Now, but you know that from lab reports and  
3 from your work in this case that even before Mr. DeMocker was  
4 arrested on October 23, 2008, the Yavapai County Sheriff's  
5 Office had reason to believe that there was DNA from an  
6 unidentified male underneath Carol Kennedy's fingernails from  
7 her left hand; correct?

8           A.     Yes.

9           Q.     Okay. And are you aware that subsequent  
10 examinations say there may be as many as two other  
11 unidentified males present through less complete profiles  
12 under the same fingernails?

13          A.     I have not seen those.

14          Q.     Were you off the case by the time that work was  
15 done?

16          A.     Yes, I believe so.

17          Q.     When were you last really working on the case? I  
18 know you came back in 2010 to do some work, but when were you  
19 last involved as a detective in this case?

20          A.     I believe it was April 20th of 2009.

21          Q.     Just about the time you transferred to the Patrol  
22 Bureau to be a patrol sergeant in Black Canyon City?

23          A.     Yes.

24          Q.     Okay. And up to that point you had been working  
25 on the DeMocker case?

1 A. Yes.

2 Q. So, any particular investigation that was done  
3 after late April, 2009, you might know about it but you  
4 weren't directly involved in it; correct?

5 A. Yes.

6 Q. People in the department talk about the case a  
7 lot, I imagine?

8 A. Due to the fact that I was involved in it.

9 Q. Talk to you about it?

10 A. Yes.

11 Q. Okay. Now, so even before Mr. DeMocker was  
12 arrested, law enforcement had some idea that there was  
13 detectable DNA from someone that's not Mr. DeMocker; correct?

14 A. True.

15 Q. Because you had Mr. DeMocker's DNA. He gave that  
16 pursuant to a search warrant the night you talked to him;  
17 correct?

18 A. Yes.

19 Q. In fact, he offered to give you blood, saliva and  
20 anything you wanted without a search warrant; right?

21 A. I believe so.

22 Q. Yeah. He was more than willing to cooperate  
23 because he told you he wasn't there and he wouldn't do this;  
24 correct?

25 A. True.

1 Q. And he said that more than once; correct?

2 A. I'm not sure. Maybe twice.

3 Q. Which is more than once; right?

4 A. True.

5 Q. Okay. And he also said that he loved Carol. He  
6 wouldn't do that. He loved Carol?

7 A. True.

8 Q. Now, so let me see if I understand what's  
9 happening. Mr. DeMocker was not under arrest between July  
10 2nd and October 23rd of 2008, and yet law enforcement knew  
11 that there was some DNA evidence in a particular place under  
12 Carol Kennedy's fingernails from somebody else that was not  
13 Mr. DeMocker; correct?

14 A. Yes.

15 Q. And you also knew that it wasn't Jim Knapp;  
16 correct?

17 A. True.

18 Q. Because you had Mr. Knapp's DNA; correct?

19 A. Yes.

20 Q. And, in fact, as far as you know as we sit here  
21 today, on July 21st, 2010, the identity of the donor of that  
22 DNA under Carol Kennedy's fingernails, Evidence Item 603, is  
23 still unknown; correct?

24 A. I believe so.

25 Q. Do you think if they had found 603 you might know



1 about it?

2 A. Well, yeah.

3 Q. I think so; right?

4 A. Yes.

5 Q. Okay. Now, so -- and as far as you know that  
6 person hasn't been located; is that right?

7 A. Right.

8 Q. But there was a continuing investigation,  
9 certainly for the entire time you worked on the case until  
10 April of 2009, trying to find, whom we've come to call  
11 Mr. 603, the donor of that DNA. That investigation continued  
12 in a very serious way after Mr. DeMocker was arrested and  
13 charged in this case; is that right?

14 A. True.

15 Q. Now, going back to best practices at a crime scene  
16 and the idea that you would be open to all possibilities, it  
17 would be very important, then; wouldn't it, in this  
18 particular crime scene, to try to look for evidence of blood  
19 or fingerprints or DNA that might match the DNA profile under  
20 Carol Kennedy's fingernails? That would be a very important  
21 piece of evidence; right?

22 A. Yes.

23 Q. That, if you found blood somewhere in that entire  
24 crime scene that wasn't Carol Kennedy's blood but could be  
25 examined for DNA, and that DNA matched under her fingernails,

1 that would be a game changer; right?

2 A. Possibly, yes.

3 Q. Because that would put, presumably, the  
4 contributor of that blood DNA at Bridle Path; correct?

5 A. Yes.

6 Q. It's very hard to imagine how that person's blood  
7 or DNA would get there if that person wasn't present;  
8 correct?

9 A. There could be various ways of how that got there.

10 Q. Okay. Do you subscribe to the notion that  
11 Mr. DeMocker was so smart that he somehow planted this DNA  
12 evidence underneath Carol Kennedy's fingernails? Do you  
13 believe that for a second?

14 A. Anything is possible.

15 Q. Okay. I understand anything is possible, but  
16 there are some things that strain the level of possibility;  
17 right? Let me give you an example, me winning the hundred  
18 yard dash in the next Olympics. That would be -- that would  
19 be right up at the edge of impossible?

20 A. It's not impossible but not probable.

21 Q. There you go. Now, do you believe that it is,  
22 apart from whether it's possible, is it probable, on any  
23 level, that Mr. DeMocker planted biological evidence on the  
24 body of Carol Kennedy on July 2nd?

25 A. I cannot discount it.

1 Q. Well, have you ever had a case where that  
2 happened?

3 A. No.

4 Q. Where would Mr. DeMocker get biological evidence  
5 from someone else? On the Internet?

6 A. If I really thought about it and I wanted to do  
7 it, I could do it. I could probably do some searches, and I  
8 could find a way to do it.

9 Q. FakeDNA.com? Where would you do it? Where would  
10 you go? How would you do that?

11 A. There's different ways that you could achieve  
12 that.

13 Q. And, then, of all the places, you would put it up  
14 under her fingernails? That's what you would do?

15 A. The scene was staged.

16 Q. Okay. Do you have any reason, Sergeant, any  
17 reason at all to think that Mr. DeMocker did that in this  
18 case? "That" being plant this DNA under Carol Kennedy's  
19 fingernails?

20 A. I have no proof.

21 Q. On the other hand, there was blood everywhere --  
22 you've seen these terrible photos, now, too many times and  
23 you've seen them here again today -- there was blood all over  
24 Carol, all over that room, all over the desk, all over the  
25 furniture. It was, as Detective Brown said, "like a tornado

1 hit"; correct?

2 A. That was his description.

3 Q. Do you differ?

4 A. I wouldn't describe it as a tornado.

5 Q. Would you describe it as a terrible, bloody scene?

6 A. Yes. A staged scene.

7 Q. Terrible, bloody, staged scene?

8 A. Yes.

9 Q. Now, can you say here today under oath to this  
10 jury, that all the blood we've seen in the photographs was  
11 Carol Kennedy's blood? Every bit of it?

12 A. I cannot say that.

13 Q. By contrast, can you say whether or not the blood  
14 of Mr. 603 was somewhere at that house but just not detected  
15 and collected?

16 A. I cannot say.

17 MR. BUTNER: Objection. Calls for speculation.

18 THE COURT: Overruled.

19 BY MR. SEARS:

20 Q. Did you answer?

21 A. Yes.

22 Q. And your answer was?

23 A. I cannot say that.

24 Q. Let me show you 2651 for identification. Do you  
25 recognize what's depicted in this photograph? You don't have

1 to tell me what it is, but do you recognize what that is?

2 A. Yes.

3 Q. Okay. And this is a photograph that was taken of  
4 an object on the ground in the room near the body, that we  
5 talked about already; correct?

6 A. Right.

7 Q. Okay. And this is the way it looked on the night  
8 of July 2nd, 2008; correct?

9 A. July 3rd.

10 Q. The next day?

11 A. Yes.

12 Q. Okay. This is the way you saw it the next day?

13 A. Yes.

14 Q. Carol Kennedy's body was left in place for many,  
15 many hours after it was discovered; right?

16 A. Yes.

17 Q. Do you know when it was finally moved? What time?

18 A. It was in the afternoon of the 3rd.

19 MR. SEARS: Okay. I move 2651, Your Honor.

20 MR. BUTNER: 2651, Mr. Sears?

21 MR. SEARS: Yes.

22 MR. BUTNER: No objection.

23 THE COURT: 2651 is admitted.

24 MR. SEARS: Thank you.

25 Q. Let me show you 2651 in evidence. That's the

1 checkbook cover; isn't it?

2 A. Yes.

3 Q. Okay. Now, we can see pretty clearly here this is  
4 a plastic cover of the kind typically put on checks that you  
5 get from the bank. You get a checkbook and you get a little  
6 plastic cover; correct?

7 A. Yes.

8 Q. And you can see that. And what is that substance  
9 all over the checkbook cover?

10 A. I believe it's blood.

11 Q. Whose blood?

12 A. Predominately, it's the victim's.

13 Q. How do you know that?

14 A. Based on the injuries that she received, that  
15 would be the predominant blood at the scene.

16 Q. Anybody else's blood?

17 A. It would be hard to determine due to the fact that  
18 there was so much of her blood at the scene.

19 Q. Who tells you that?

20 A. I have had other instances where I have  
21 investigated cases where the predominate blood stands out.  
22 Even if there was second or third blood, a little tiny spot,  
23 it would not show up due to the fact that the victim's blood  
24 is there predominately.

25 Q. Okay. You're not a serologist; are you?

1 A. No. That's what I have discovered.

2 Q. Okay. You're not a DNA expert; are you?

3 A. No.

4 Q. Do you know whether or not this checkbook cover  
5 was examined by either D.P.S. or Sorensen Lab?

6 A. I don't know.

7 Q. Okay. I suppose we'll find out later on.

8 Now, let's think about this checkbook  
9 cover for a minute here. It's on the floor in the room very  
10 near Carol's body; right?

11 A. Yes.

12 Q. Okay. What's it doing there?

13 A. I don't know.

14 Q. Okay. Do people typically leave, in your  
15 experience, their checkbooks on the floor of the room where  
16 they have a desk full of other papers?

17 A. I would think not.

18 Q. So, would this checkbook cover possibly have  
19 fingerprint evidence on it?

20 A. That's possible, yes.

21 Q. Was it checked for fingerprints?

22 A. Don't know.

23 Q. Who did the fingerprint work?

24 A. It was all sent to, I believe, D.P.S.

25 Q. Who collected the fingerprints?

1 A. D.P.S.

2 Q. Was it Erin Daniels?

3 A. One of the two ladies I mentioned.

4 Q. Okay. Did you direct Erin Daniels to examine this  
5 checkbook cover for fingerprints?

6 A. Not at the scene.

7 Q. Well, let's think about what this is, okay.  
8 What's inside that plastic cover?

9 A. I think it was empty.

10 Q. There were no checks?

11 A. I don't think so.

12 Q. Okay. Did you look at it?

13 A. I believe so.

14 Q. Okay. So, what's the plastic checkbook cover  
15 doing on the floor if there were no checks in it?

16 A. I don't know.

17 Q. Did that make you curious?

18 A. To some degree, yes.

19 Q. Now, the phone, the cordless phone that is very  
20 near this, it's on the floor; right?

21 A. True.

22 Q. You have some idea of what happened. You know  
23 that Carol was talking on the phone. That's what her mother  
24 said; right?

25 A. Right.



1 Q. Okay. So, having the phone near her and on the  
2 floor kind of makes sense. That if she was attacked while  
3 she's talking on the phone, the phone had to go someplace;  
4 correct?

5 A. True.

6 Q. If this were a burglary interrupted, checks have  
7 some value on the street; right? If there are checks stolen,  
8 you have enough experience in street crime to know that there  
9 is a market, a secondary market, for stolen checks; correct?

10 A. True.

11 Q. And particularly connected to the drug -- to the  
12 drug trade. People with drug habits are perpetually involved  
13 in forged and stolen check-related crimes. That's your  
14 experience in 17 years; isn't it?

15 A. To some degree.

16 Q. And, so, if this was a burglary interrupted --  
17 somebody came in to steal something, stealing checks would be  
18 something they might look for; correct?

19 A. Possibly, yes.

20 Q. Okay. This checkbook is empty. Were there checks  
21 in it at one point?

22 A. Don't know.

23 Q. Did you ask anybody?

24 A. There was nobody to ask.

25 Q. Katie, Charlotte, Steve?

1 A. They wouldn't speak to me.

2 Q. You talked to Steve. We watched you on television  
3 talking to Steve.

4 A. When I spoke to Steve, I had not examined that  
5 yet.

6 Q. Okay. Charlotte was interviewed that night by  
7 Commander Mascher; right?

8 A. Sure.

9 Q. Okay. She wasn't asked about the checkbook?

10 A. Again, I did not know about the checkbook when I  
11 spoke to her.

12 Q. Now, you said -- you said that you made some  
13 attempt to investigate whether things might be missing from  
14 the house to determine whether this was actually a burglary;  
15 is that right?

16 A. Yes.

17 Q. What did you do?

18 A. We asked Mr. DeMocker if there was anything of  
19 value, anything that might be important that might stick out.

20 Q. Mr. DeMocker told you he didn't live there; right?

21 A. True.

22 Q. He told you, except to come to the outside of the  
23 house a week or a week and a half before to drop off some art  
24 work back into the garage, he hadn't been inside the house  
25 for maybe six months; correct?

1 A. True.

2 Q. He couldn't remember; right?

3 A. True.

4 Q. Okay. Charlotte had been in the house much more  
5 recently than that; correct?

6 A. I am not sure when she was in.

7 Q. She would have been a logical person to ask;  
8 right?

9 A. Again, I don't know when she -- I knew she didn't  
10 live there anymore.

11 Q. Okay. The house was full of all kinds of things;  
12 wasn't it? The living room was full of things. You've seen  
13 lots of pictures. The house had -- it was not sparsely  
14 furnished; was it?

15 A. Yeah, there was items there.

16 Q. Did you find any blank checks of Carol Kennedy's  
17 on any bank account and take them into evidence?

18 A. I don't know if we did or did not.

19 Q. If you know that one of the things that burglars  
20 sometimes take are blank checks, would it have been important  
21 to try and determine whether she had any blank checks and  
22 where they were? That would be the first reasonable inquiry;  
23 right?

24 A. Yes.

25 Q. And, then, it might be important to see if any

1 checks were missing in sequence. Checks come in groups.  
2 When you get the checks from the printer, they're in a little  
3 box and they are in numerical order, typically; right?

4 A. Right.

5 Q. And checks could be missing? 25 or 50 checks out  
6 of sequence could just be missing; correct?

7 A. True.

8 Q. That would be significant; right?

9 A. True.

10 Q. And, then, fingerprint evidence and blood evidence  
11 on the blank checks or the box where they were contained  
12 would become even more important because they might lead you  
13 to the identity of the person that took the checks; right?

14 A. That's possible.

15 Q. So, as we sit here today, can you say whether or  
16 not any blank checks were stolen out of Carol Kennedy's  
17 house?

18 A. You would have to ask Detective Doug Brown. I  
19 believe he investigated that part.

20 Q. Okay. We surely will. As far as you know?

21 A. Like I said, I can't remember.

22 Q. And if somebody stole blank checks, would you  
23 necessarily see those checks trying to be passed? Is it  
24 necessarily true that if somebody steals a check they are  
25 going to try and use it?

1 A. True.

2 Q. You would expect that; right?

3 A. To some degree, yes.

4 Q. Well, what if they picked up the paper and saw  
5 that the police were all over this case? Might the thief  
6 say, "you know, this just isn't a good idea. Whatever I was  
7 thinking by taking those checks, I'm not that stupid, and I'm  
8 not going to pass those checks in this town"?

9 A. It's happened before.

10 Q. It has happened before. Okay. And those checks  
11 might be passed somewhere else in the United States; correct?  
12 They don't have to be passed in Prescott, Arizona?

13 A. That's possible.

14 Q. There's a market everywhere for stolen checks and  
15 stolen money orders and stolen American Express gift cards  
16 and all kinds of things; correct?

17 A. True.

18 Q. Now, if a check was stolen from Carol Kennedy and  
19 passed, or attempted to be passed, that might not come to the  
20 attention of law enforcement; correct?

21 A. That's not totally accurate.

22 Q. Well, typically if a person -- if a person --  
23 let's say they went into a store with a stolen check and they  
24 wrote a check and they signed Carol Kennedy's name and the  
25 store took that, eventually it would come to the bank, and it

1 would be in the bank records that you all subpoena; correct?

2 A. Correct.

3 Q. So, you'd see some indication that that check came  
4 back; right?

5 A. True.

6 Q. Now, banks sometimes honor stolen checks  
7 accidentally; right? Particularly, if the people carefully  
8 forge the person's name. This happens; right?

9 A. That's possible, yes.

10 Q. Okay. So, was an investigation done of every  
11 single check on Carol Kennedy's checking account to make sure  
12 that it was actually her check?

13 A. You would have to speak to Doug Brown.

14 Q. Okay. And what about checks that the merchant  
15 just says, "that's a phony check, and I'm not going to take  
16 that"? Are those checks always reported to law enforcement?  
17 Does every single merchant who does that call the police?

18 A. Not always.

19 Q. So, it's possible, then, that somebody might have  
20 stolen a check, tried to pass it, weren't successful but  
21 didn't get caught?

22 A. True.

23 Q. Okay. What about credit cards? Was there any  
24 investigation done that you know about, by Doug Brown or  
25 someone else, to determine if any of Carol Kennedy's credit

1 cards had been taken?

2 A. I believe there was.

3 Q. Okay. What was that investigation?

4 A. To the extent of it, I don't remember, and you  
5 would have to ask Doug.

6 Q. This is something you trusted him on?

7 A. Yes.

8 Q. What about the idea of a burglary interrupted? By  
9 that I mean that somebody came in thinking they were in an  
10 empty house to burglarize it, the lights were off, the door  
11 was open, they were in the back room, and they were surprised  
12 by Carol Kennedy coming down the hall -- they heard her  
13 talking and came down the hall -- and left without taking  
14 anything, killed Carol Kennedy in a horrible way and left  
15 without taking anything. That's a possible scenario; isn't  
16 it?

17 A. That's possible, but I don't see them wasting  
18 their time or the effort to stage a scene and possibly be  
19 caught in that time frame. They would want to enter and  
20 leave as soon as possible.

21 Q. If they were thinking clearly; right?

22 A. Obviously, they're not because they're doing a  
23 burglary.

24 Q. Worse than that -- worse than that -- there was a  
25 horrible murder, which isn't the usual outcome of a burglary.

1 You wouldn't expect somebody caught in a burglary to do  
2 anything other than turn tail and run away; right?

3 A. Not necessarily.

4 Q. People do crazy stuff in this world; don't they?

5 A. Yes, they do.

6 Q. We've had in the press, in this state, even in  
7 this community something called home invasions. Do you know  
8 what those are?

9 A. Yes.

10 Q. What's a home invasion?

11 A. That's where individuals invade a home with force,  
12 usually with weapons, and sequester the people and kidnap  
13 them, and sometimes they hold them for ransom. What I have  
14 seen is that usually that is involving the human smuggling  
15 aspect.

16 Q. Okay. That's certainly one kind of home invasion;  
17 right?

18 A. Yes.

19 Q. And, then, there's just whacked out, crazy home  
20 invasion stuff; right?

21 A. We have not had that type that I have noticed  
22 here.

23 Q. Maybe?

24 A. I have not investigated anything of that sort.

25 Q. People in this world use drugs; right?



1 A. True.

2 Q. Drugs make people do terrible things that they  
3 would never do otherwise; right?

4 A. Yes, they do.

5 Q. Okay. Including killing people for no apparent  
6 reason?

7 A. Yes.

8 Q. And as drug use increases, violent crimes seem to  
9 increase simultaneously. Isn't that your experience?

10 A. To some degree.

11 Q. Okay. And drug use everywhere, Prescott, Arizona  
12 being no exception, has been increasing over time; hasn't it?

13 A. I believe so.

14 Q. There was a case in September of 2007 further out  
15 Williamson Valley, a place called Hootenanny Holler. Do you  
16 know where that is?

17 A. Yes, I do.

18 Q. Okay. That's about another 10 miles out from  
19 Bridle Path, roughly?

20 A. Yes, it is.

21 Q. Okay. And it's a community of smaller homes, but  
22 it's out in a less developed area than Bridle Path; right?

23 A. Right.

24 Q. And in September of 2007, there was a report that  
25 a young man was talking to somebody outside, and the man

1 asked him for a ride, and the next thing you know that man  
2 beat the reporting party with something, perhaps a crow bar,  
3 caused him serious skull injuries. The person that came  
4 inside tied them up, tied up the girlfriend, tied him up and  
5 robbed them and got away. Do you know the case I am talking  
6 about?

7 A. Yes, I do.

8 Q. That was Skyler Pierce; right?

9 A. I believe so.

10 Q. Who was the case agent in the Skyler Pierce  
11 investigation?

12 A. I believe it was Detective Theresa Kennedy.

13 Q. Were you involved in that investigation?

14 A. Yes, I was.

15 Q. Right. And no one was ever arrested in that case;  
16 were they?

17 A. That's not the entire story.

18 Q. Well, we're going to talk about the rest of the  
19 story. The rest of the story was that, actually, Mr. Pierce  
20 was arrested because when the report was made and the police  
21 came to his house, they found drugs that were his in the  
22 house; right?

23 A. That was the reason they invaded.

24 Q. Right. And you had reason to think that this was  
25 what they call a "schooling"; right, over a drug debt?

1 A. I believe he actually knew his assailant.

2 Q. That's a version, but nobody was ever arrested in  
3 connection with that; right?

4 A. Mr. -- the victim did not want to pursue the  
5 matter any further.

6 Q. Okay. That was a violent crime, drug related, 10  
7 miles away; right?

8 A. True. And all the involved parties knew each  
9 other.

10 Q. That's your assumption?

11 A. I truly believe that.

12 Q. Okay. Just like you believe Steve DeMocker killed  
13 Carol Kennedy; correct?

14 A. Yes, I do.

15 Q. Okay. Nobody was arrested in the Skyler Pierce  
16 case?

17 A. No.

18 Q. Do you know where Skyler Pierce went to after he  
19 was beaten? He was actually flown by helicopter to a  
20 hospital in Phoenix for his injuries; right? They were very  
21 serious; right?

22 A. Yes.

23 Q. Was a weapon recovered?

24 A. I don't remember.

25 Q. Mr. Pierce said he thought he was hit with a

1 crowbar?

2 A. That's possible, yes.

3 Q. He had a subdural hematoma and a skull fracture?

4 A. I believe so.

5 Q. Okay. Somebody did a number on him; right? But  
6 he survived somehow; right?

7 A. True.

8 Q. Now, he reported that it was a single individual  
9 walking a dog; right?

10 A. That's what he stated.

11 Q. Broad daylight?

12 A. It was, yeah -- I thought it was in the evening,  
13 towards night.

14 Q. It wasn't late at night, though; was it?

15 A. I am trying to remember.

16 Q. About nine months before this, September 2007?

17 MR. BUTNER: Relevance, Judge. Objection.

18 THE COURT: Overruled.

19 THE WITNESS: I believe it was in '07.

20 BY MR. SEARS:

21 Q. Yes?

22 A. Yes.

23 Q. That's what you remember?

24 A. Yes.

25 Q. Okay. Now, my question was: Do you know where

1 Mr. Pierce wound up living after this assault?

2 A. I think he went back home with his parents.

3 Q. Do you know where they live?

4 A. No.

5 Q. On Bridle Path. On Bridle Path and Williamson  
6 Valley about half a mile.

7 A. Can you speak up a little bit.

8 Q. I'm sorry, Mr. Huante, I will.

9 About a half a mile from Carol Kennedy's  
10 house on Bridle Path. His father's name is Steve Pierce.  
11 Did you ever talk to him?

12 A. I believe I did at some point when they advised me  
13 that they had hired an attorney for their son.

14 Q. But you didn't know he lived on Bridle Path?

15 A. No.

16 Q. He was living on Bridle Path in July of 2008. Did  
17 you know that?

18 A. No. I did not know that.

19 Q. Your belief was that Skyler Pierce was involved in  
20 the drug trade in this town; correct?

21 A. Yes. I do.

22 Q. Maybe he learned a lesson, or maybe he didn't  
23 after the September incident?

24 A. You would have to ask him.

25 Q. Do you know where the power lines cross Bridle

1 Path when you come in off Williamson Valley Road and you are  
2 heading down that straightaway towards Carol Kennedy's house?  
3 Do you know there are some big overhead power lines across  
4 the road?

5 A. I believe I have seen them.

6 Q. Okay. If I told you the Pierce house was right by  
7 those power lines, would that seem like it's about a half a  
8 mile from Carol Kennedy's house?

9 A. I don't know.

10 Q. Okay. There was -- and you may have been working  
11 in Black Canyon and missed this -- but last year there was  
12 considerable publicity about a gang of burglars that the  
13 newspaper called the "Williamson Valley Gang." There were a  
14 number of daytime residential burglaries up and down  
15 Williamson Valley Road. Do you know about that case?

16 A. Yes.

17 Q. Okay. And in that case there were alerts. The  
18 Sheriff's Department substation on Williamson Valley Road  
19 sent out alerts to those of us that live in Williamson Valley  
20 with identifying information about suspicious vehicles. Did  
21 you ever see those?

22 A. Yes.

23 Q. Okay. And, ultimately, people were apprehended  
24 pretty much red-handed in that case; weren't they?

25 A. Yes.

1 Q. Okay, And there was a female and a male; correct?

2 A. I believe so.

3 Q. Okay. And the male went to jail and the female  
4 died in the jail; right?

5 A. I don't know that.

6 Q. Okay. Now, do you know when that happened?

7 A. I'd be guessing.

8 Q. Okay. Do you know how close the closest of their  
9 alleged burglaries was to Bridle Path?

10 A. No. I don't.

11 Q. Do you know where any of their burglaries were?

12 A. No. I don't.

13 Q. Okay. Maybe there are other witnesses that will  
14 help us with that. Daytime burglaries; right?

15 A. I'm not sure.

16 Q. Going into unoccupied homes?

17 A. Yes. I believe they were knocking on doors and  
18 asking if they needed some sort of maid service or something  
19 like that.

20 Q. And these are just the burglaries that were  
21 reported? Not every burglary gets reported; isn't that your  
22 experience?

23 A. To my -- my experience has been, if it's in --  
24 and again, I'm sorry if I'm offending anybody -- but in that  
25 area, which is mostly residential homes, those do get

1 reported. Usually, if it is in the lower income area,  
2 sometimes they don't.

3 Q. For lots of reasons.

4 A. Yes.

5 Q. Okay. Fear of retaliation would be one of them?

6 A. That's possible, yes.

7 Q. Skyler Piece, perhaps, afraid that the people  
8 would come back and finish what they started?

9 A. True.

10 Q. Okay. That's what you think; right?

11 A. Yes.

12 Q. Okay. Now, in doing good police work, we talked  
13 about missing other suspects, and we talked about whether or  
14 not investigation was done in this case looking for evidence  
15 of Mr. 603, or someone other than Carol having left blood in  
16 that house, and I think you've told us what you know about  
17 that; right?

18 A. Yes.

19 Q. And what about what's called "exculpatory  
20 evidence"? Do you know what exculpatory evidence is?

21 A. I believe so.

22 Q. Okay. In this case, what would be an example of  
23 exculpatory evidence that you can think of?

24 A. The blood evidence or sample that we don't know  
25 who it is.



1 Q. Okay. 603?

2 A. Right.

3 Q. Okay. That's potentially exculpatory evidence  
4 because it is in a particular place, and it's not Steve  
5 DeMocker?

6 A. True.

7 Q. Now, with this idea of keeping an open mind and  
8 being fair and open to all possibilities, looking for  
9 exculpatory evidence is part of that process; isn't that  
10 right?

11 A. Yes.

12 Q. Looking for things that don't fit with the theory  
13 that points in this case to Steve DeMocker; correct?

14 A. True.

15 Q. On the other hand, it would be very wrong to begin  
16 an investigation with blinders on only looking for things  
17 that fit Steve DeMocker's story?

18 A. I agree.

19 Q. That would be wrong.

20 Now, if we could, let's talk about the  
21 sort of circumstances here that you talked about. You said  
22 "why would Mr. DeMocker lie?" Let's begin with the time line  
23 in this case.

24 From your investigation and your  
25 knowledge of the investigation and people under your

1 supervision, do you know what time -- first of all, do you  
2 believe that Mr. DeMocker parked his car up on Rainmaker?

3 A. I believe so.

4 Q. And that's because he told you so; is that right?

5 A. Right.

6 Q. You didn't find any physical evidence up there;  
7 correct?

8 A. No.

9 Q. In fact, there was no effort to even look for tire  
10 prints on the side of the paved road up there. That was  
11 never done; correct?

12 A. Not sure.

13 Q. Okay. Even though you had, as I said before,  
14 Mr. DeMocker's inked tire prints, and you could have compared  
15 them, if you had seen tire tracks in the dirt, to  
16 Mr. DeMocker's tires; correct?

17 A. There was an attempt to locate his parking area  
18 trail location.

19 Q. Who conducted that?

20 A. Myself, Doug Brown and Alex Jaramillo.

21 Q. Were you looking for tire tracks?

22 A. I was looking for anything that would show where  
23 Mr. DeMocker was parked.

24 Q. Did you see any tire tracks on the side of the  
25 road?

1 A. No.

2 Q. Not a single one?

3 A. No.

4 Q. Okay. Do you think you got to the place where  
5 Mr. DeMocker said he parked?

6 A. I drove by it, but I didn't know that was the  
7 location based on his description.

8 Q. Okay. Up high on Rainmaker with this hundred mile  
9 view off to the north and east; right?

10 A. Yes.

11 Q. Where he said he'd owned some property at one time  
12 near there?

13 A. Right.

14 Q. Now, did you look at the land records to see if he  
15 was telling the truth about owning property with Carol  
16 Kennedy in that general area?

17 A. Much later.

18 Q. Okay. And you found corroboration that he was  
19 telling the truth about that; right?

20 A. I believe so, yes.

21 Q. Okay. So, he's not lying about that; right?

22 A. No.

23 Q. Okay. So, all of that makes you think that  
24 Mr. DeMocker was open; is that right? All of that being his  
25 story and the corroborating circumstance of him owning land

1 when he told you that he owned land up there. You found land  
2 records that said that's true?

3 A. True.

4 Q. Okay. So, that makes you think he's probably  
5 telling the truth; right?

6 A. To some degree.

7 Q. Well, do you have some other theory that he was  
8 actually parked someplace else?

9 A. I have no proof.

10 Q. But, for purposes of your theory of the case, you  
11 are presuming that Mr. DeMocker parked up on Rainmaker; is  
12 that right?

13 A. Yes.

14 Q. Okay. And he had his bicycle with him?

15 A. True.

16 Q. Okay. Because he told you he had his bicycle with  
17 him?

18 A. Yes.

19 Q. What if he told you he didn't have his bicycle?

20 A. That would have been a different story.

21 Q. Sure would.

22 Now, so, he tells you he has a bicycle so  
23 that becomes part of your theory of the case. The first part  
24 is that he parked up on Rainmaker. The second part is that  
25 he has his bicycle with him; correct?

1 A. True.

2 Q. Now, he tells you that from that point up on  
3 Rainmaker, Exhibit 2341 -- we will do this north up here. It  
4 isn't any better after five weeks. Here's -- because I know  
5 where I'm looking -- this is Rainmaker here; isn't it?

6 A. Yes.

7 Q. Okay. This is -- yellow is Williamson Valley Road  
8 heading, generally, north and northwest; correct?

9 A. Yes.

10 Q. Okay. And way up here is the location of Bridle  
11 Path. You can see it over there; right?

12 A. Yes.

13 Q. Okay. Bridle Path comes in from Williamson Valley  
14 Road and proceeds along and makes a turn to the left, and  
15 Carol Kennedy's house is right at that turn. We know that;  
16 right?

17 A. Yes.

18 Q. Okay. Now, Steve DeMocker told you that he parked  
19 up here on Rainmaker, up on the highest point where I'm  
20 showing with the laser pointer; right?

21 A. Yes. Somewhere up there.

22 Q. Okay. And you went up there and kind of looked  
23 around, but you weren't really sure if you were in the right  
24 place; right?

25 A. No.

1           Q.     Okay. And Mr. DeMocker told you that what he did  
2 was he rode his bike -- or he got out there and he looked  
3 around -- and he rode his bike down through this  
4 neighborhood, cut over and then got on trails -- and we'll  
5 look at some other maps -- basically, got over to the  
6 national forest here and rode the trails -- that we know from  
7 your video, you rode a portion of; right?

8           A.     Right.

9           Q.     That's what he said he did. Is he lying about  
10 that?

11          A.     I have no proof that he did.

12          Q.     Okay. If he did, it would have taken him some  
13 period of time; right?

14          A.     True.

15          Q.     If he rode where he said he did, it would have  
16 taken him some amount -- some unspecified amount of time to  
17 do what he did; right?

18          A.     True.

19          Q.     In addition, he also said that when he got out to  
20 the farthest point of his ride, he got a flat tire, and he  
21 walked and pushed his bike most of the way back.  
22 Occasionally he would pump it up and ride, it would go flat  
23 again. It took him much longer to come back than it did to  
24 go out; right?

25          A.     That's what he said.

1 Q. And when you found his bike, it had a flat tire?

2 A. Yes.

3 Q. Now, do you know what time Mr. DeMocker started  
4 his ride, if he took a ride at all?

5 A. I believe he said around 6:30.

6 Q. Okay. And you know that there are some pieces of  
7 evidence that have him back at his home in Prescott, back at  
8 work and then going through the gate and seeing his daughter  
9 and her boyfriend before 6:30; right?

10 A. I believe it was around 5:00.

11 Q. And what time did Carol Kennedy get home?

12 A. I don't know that.

13 Q. We know that she was at the Safeway in Prescott at  
14 5:23; right?

15 A. I believe so. We have video.

16 Q. Okay. So, she didn't get home before 5:23 or  
17 something after that; right?

18 A. I assume, yes.

19 Q. It took her some period of time to drive from the  
20 Safeway out to her home; right?

21 A. True.

22 Q. And we know that at some point two ladies on  
23 horseback saw her out here on the open land while she was  
24 going for a run; right?

25 A. Right.

1 Q. What time was that?

2 A. Based on their estimate, I think it was around,  
3 sometime after 6:00, probably.

4 Q. Maybe 6:40?

5 A. Possibly.

6 Q. Okay. And we know she was back in the house after  
7 7:00 because she was talking with her mother on the phone;  
8 correct?

9 A. Right.

10 Q. And we know that her entire conversation with her  
11 mother took place inside the house; correct?

12 A. From what we know, yes.

13 Q. She wasn't out running? Her mother said nothing  
14 like that; right?

15 A. No.

16 Q. She was inside the house on a cordless phone;  
17 right?

18 A. Right.

19 Q. This cordless phone -- it's not a mobile phone --  
20 it's not a phone that works miles away from the base unit?  
21 You have to be within some proximity of that base unit;  
22 right?

23 A. Right.

24 Q. A certain number of feet or the phone won't work  
25 past it; right?



1           A.     I don't think it would work out on that.

2           Q.     Okay. Now, let's go back to the investigation of  
3 where Steve was and what you were thinking up there. Now,  
4 Mr. DeMocker told you -- and we've seen on the video he drew  
5 a map up on the white board for you, and you asked him  
6 questions, and he answered questions, and you said he was  
7 very vague. Well, we'll spend a little time later about  
8 that.

9                         But he told you about a ride that he took  
10 that provided you enough information that at some point on  
11 July 19th you came out with your bike and rode at least a  
12 part of what you thought Mr. DeMocker said was his ride;  
13 right?

14          A.     Not based on his information. Not totally based  
15 on his information.

16          Q.     Then, what was the purpose of your ride? Why were  
17 you riding the places that you rode?

18          A.     His girlfriend told me where the other end was. I  
19 didn't know where the other -- I knew the beginning, but I  
20 didn't know the end.

21          Q.     And you knew the beginning from what Mr. DeMocker  
22 told you?

23          A.     Right.

24          Q.     And his girlfriend being Renee Girard; correct?

25          A.     Correct.

1           Q.     And, in fact, Renee Girard went out with Doug  
2 Brown and you, came out to the Granite Basin Lake end of  
3 this, and tried to show you where Steve had showed her that  
4 he had ridden his bike; right?

5           A.     Right.

6           Q.     And she was a little bit confused about exactly  
7 where Steve had shown her -- there was some confusion early  
8 on on her part; right?

9           A.     She was, but then she spoke to Mr. DeMocker on the  
10 phone.

11          Q.     Right. And Mr. DeMocker gave some more  
12 information to her to correct what she was thinking; right?

13          A.     Yes.

14          Q.     Was Mr. DeMocker lying?

15          A.     I don't know.

16          Q.     Now, we've seen the video. We sat through your  
17 video with the helmet cam, riding down there. Now, a couple  
18 of things about that struck me. One is that early on in the  
19 video, when you get by Mr. Peterson's house -- do you know  
20 who Mr. Peterson is?

21          A.     Yes. I believe that is the house where the dog  
22 was barking at me.

23          Q.     Let me show you 2533. This is Mr. Peterson's  
24 house right here; isn't it?

25          A.     I'm not sure. I have never seen a view like this.

1 Q. You know, that is so blurry. Let me show you 2533  
2 up close and personal here and see if that helps you orient  
3 yourself.

4 A. (Whereupon, the witness reviews a document.)

5 Okay. That's the trail, I believe.

6 Q. Better now?

7 A. Yes.

8 Q. Okay. Let me put it up here, blurry, for everyone  
9 to see. What you were pointing to me was this area right  
10 here -- this is Mr. Peterson's house -- this area here is a  
11 part of the trail that's on your helmet cam bike ride;  
12 correct?

13 A. Yes.

14 Q. And you get into this wash, and you come down the  
15 wash, and, then, you get on the trails that go -- you get out  
16 of the wash -- and, then, you get on the trails that go  
17 south; correct?

18 A. Yes.

19 Q. Okay. Now, on the video we see, when you're in  
20 this wash here behind Mr. Peterson's house, you stop, and  
21 there's some horseback riders coming the other way. Very  
22 early within the first minute or two of your ride; correct?

23 A. Right.

24 Q. Okay. After that, the whole rest of your ride,  
25 until you get down to the a Cayuse organized trailhead, I

1 don't remember seeing another soul, horseback rider, hiker,  
2 mountain biker, anybody on that entire ride; correct?

3 A. Right.

4 Q. Okay. Now, that ride started a little after 5:00  
5 on a Saturday; right?

6 A. Right.

7 Q. Just a couple of weeks after Mr. DeMocker said he  
8 was out there on a Wednesday night; right?

9 A. Right.

10 Q. Mr. DeMocker said that he didn't see anybody on  
11 his ride. Did you believe him?

12 A. Don't know.

13 Q. Do you believe him now that you went out on this  
14 ride, and other than the horseback riders, you didn't see  
15 anybody else? Does Mr. DeMocker's story seem so farfetched  
16 that he saw no one on a Wednesday night?

17 A. I do know that on Wednesday night, or Wednesdays,  
18 you don't have to pay to park at the park. There's no fee to  
19 the entrance to the park. So, there's a lot more people on  
20 Wednesdays.

21 Q. Okay. At that Granite Basin area?

22 A. Right.

23 Q. But, if you started up where Mr. DeMocker started,  
24 either at the Williamson Valley trailhead way north of here  
25 or in here, there's no fee ever; is there?

1 A. True.

2 Q. You just get on the trail and go; right?

3 A. Right.

4 Q. Okay. So, there would be people down at the other  
5 end of the trail on a Wednesday night; right?

6 A. On the other trails.

7 Q. The other trail down at the other end?

8 A. Right.

9 Q. Did you ever go back on a Wednesday night to see  
10 how many people you would encounter on free parking night?

11 A. I don't think so.

12 Q. Just what you're thinking that if it was free,  
13 this is America and something that is free draws a crowd?

14 A. I do know that for a fact due to the fact that  
15 Detective Doug Brown takes advantage of that.

16 Q. Knowing Detective Brown, I'm not surprised.

17 MR SEARS: Your Honor, this might be a good  
18 time to take the lunch break.

19 THE COURT: Thank you. Sergeant Huante, you  
20 may step down. As you know the Rule of Exclusion of  
21 Witnesses applies in this case, so, of course, follow that.  
22 You may step down at this time. I want to address the jurors  
23 for just a minute.

24 Ladies and gentlemen, I will again remind  
25 you of the admonition. Please follow the admonition, all

1 aspects of that. You can't discuss the case with anyone,  
2 even among yourselves, until it is completely over. Avoid  
3 any type of exposure about the case. Don't attempt any kind  
4 of research, electronically, by dictionary or otherwise. All  
5 those aspects I know you will follow that, and I see that you  
6 have all been taking an hour and fifteen minutes for lunch.  
7 I will stay with that if that has been sufficient time. So,  
8 please be reassembled at 1:15 and we will start as soon as  
9 possible after that.

10 Thank you. And, we will recess.

11 MR. SEARS: Thank you, Your Honor.

12 (Whereupon, the jury exits the courtroom.)

13 (Whereupon, a recess was taken at 11:56 a.m.  
14 to resume at 1:15 p.m. of the same day.)  
15  
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JULY 21, 2010  
1:20 P.M.

JURY TRIAL

(Whereupon, the jury enters the courtroom.)

THE COURT: The record will show the presence of the Defendant. The attorneys have returned. The jurors have all returned as well.

Sergeant Huante has resumed the witness stand. He has been sworn for all testimony in this matter.

Mr. Sears, you may continue.

MR. SEARS: Thank you, Your Honor.

CROSS-EXAMINATION RESUMED

BY MR. SEARS:

Q. Good afternoon, Sergeant.

A. Good afternoon.

Q. If we could take a moment to look at one last photograph of the interior of the room.

Let me show you Exhibit 2285 in evidence. Do you recognize that photograph as being taken from inside the room where Carol Kennedy's body was found, looking past the ladder out into the hallway at those plastic totes?

A. Yes, I believe so.

Q. Okay. And it may be difficult to do with this photograph on the ELMO, but if we could take a look at the door frame here. This is the door frame to the door going

1 out of the room; is it not?

2 A. Yes.

3 Q. Okay. And we can see here a blood drop. Do you  
4 recognize that as a blood drop, blood that was deposited here  
5 and ran down?

6 A. Yes.

7 Q. Okay. Can you see that it appears to turn and  
8 take a slightly angled path before it comes to rest?

9 A. It appears so.

10 Q. Okay. Now, you would have no reason to think that  
11 that door frame moved; correct?

12 A. The door frame moved?

13 Q. The door frame is a fixed object in that room. It  
14 would be in the same place the entire time that blood was  
15 running and dried; correct?

16 A. I believe so.

17 Q. Unless there was an earthquake or something that  
18 caused it to move; correct?

19 A. I believe so.

20 Q. Now, you're aware of the police theory that with  
21 respect to a blood drop, or smaller than that, on the  
22 bookshelf that one of the reasons that the police were  
23 suspicious was that a blood drop appeared to change  
24 directions. Do you know what I am talking about?

25 A. Yes.



1 Q. Okay. And the theory behind that was that the  
2 bookshelf was moved, and therefore, the blood drop changed  
3 directions, and you could tell that the bookshelf had been  
4 moved and staged into a location because of the direction of  
5 that blood drop; correct?

6 A. Right.

7 Q. Now, here's a blood drop, though, on an object  
8 that is fixed and immovable, that appears to change  
9 directions; correct?

10 A. True.

11 Q. Okay. And you see down here -- that appears to be  
12 a blood smear; correct?

13 A. Yes.

14 Q. Okay. Do you know whose blood made this smear?

15 A. No, I don't.

16 Q. Do you know whether or not any of the criminalists  
17 that were brought in by you to investigate this case ever did  
18 any testing, including a presumptive blood test of this  
19 smear?

20 A. Don't know.

21 Q. Okay. One of the things that caused you and  
22 Detective Brown to be suspicious of Mr. DeMocker early on was  
23 the fact that he had scratches. One of which on his leg was  
24 still oozing blood when you saw it; correct?

25 A. Several.

1 Q. Several, but one large one on his leg in  
2 particular; correct?

3 A. Right.

4 Q. We've seen photographs of that before you came on  
5 the stand.

6 Going back to your description of good  
7 police work requiring you to keep an open mind, you would  
8 have been looking, then, for Mr. DeMocker's blood, I presume,  
9 at the crime scene if he had an oozing cut on his leg;  
10 correct?

11 A. Right.

12 Q. Okay. Is this Mr. DeMocker's blood?

13 A. Don't know.

14 Q. Is any of the other blood that you can see on the  
15 door frame Mr. DeMocker's blood?

16 A. Don't know.

17 Q. Is it Carol's blood?

18 A. I would assume it is.

19 Q. Do you know for a fact?

20 A. No, I don't.

21 Q. Okay. Now, one last thing before we remove this  
22 picture. Can you see right here?

23 A. Yes.

24 Q. It's easier to see a little closer.

25 This looks like it is a law enforcement

1 officer wearing pants with large pockets, on the right. That  
2 would be somebody's leg there?

3 A. Right.

4 Q. Okay. Who's this?

5 A. I believe that's the victim's dog.

6 Q. Would good crime scene practices include having a  
7 dog in the vicinity of blood evidence, blood on these totes,  
8 blood here. Is that something that you think is good police  
9 work?

10 A. They should have been removed as soon as possible.

11 Q. Okay. As soon as the dog was located. The dog is  
12 sitting right next to a policeman; right?

13 A. I think he's taking pictures at the time.

14 Q. Okay. Doesn't notice that the dog is there?

15 A. Probably not.

16 Q. Okay. Let me show you what I've had marked for  
17 identification as 2652.

18 Let me ask you, do you recognize what is  
19 depicted in 2652?

20 A. (Whereupon, the witness reviews a document.)

21 No, not really.

22 Q. You're not familiar with that area?

23 A. Does not ring a bell with me.

24 Q. Okay. You said that at some point in your  
25 investigation, you drove up on Rainmaker trying to locate

1 where Mr. DeMocker said he was parked on the evening of  
2 June -- of July 3rd -- I'm sorry, July 2nd, 2008. Is that  
3 right?

4 A. Right.

5 Q. Does that look like Rainmaker?

6 A. Could be. I can't tell you. I know it appears to  
7 be Granite Basin Mountain in the back.

8 Q. You see Granite Mountain in the background. Is  
9 that right?

10 A. Right.

11 Q. You can see a paved road; correct?

12 A. Right.

13 Q. Is that what Rainmaker looked like when you went  
14 up there?

15 A. And other roads, too.

16 Q. Just can't tell?

17 A. I can't tell.

18 Q. Okay. Maybe somebody else can help us out.

19 Did you take any pictures of Rainmaker?

20 A. No.

21 Q. Did anybody with you take any pictures of  
22 Rainmaker?

23 A. Not that I know of.

24 Q. Let's go back, then, to the bicycle ride that you  
25 took, of which we've seen the video during your testimony

1 many weeks ago in this case. I believe all of us could see  
2 in that video that at various parts when you were riding on  
3 the trail, particularly on Trail 347, there appeared to be,  
4 in the video, bicycle tire impressions in the dirt. Were  
5 there that day?

6 A. There was some, but they were faded.

7 Q. Okay. And where were they?

8 A. Mostly on 346 and 347.

9 Q. Okay. And that was the longest part of your ride.  
10 The longest particular part of your ride was on Trail 347;  
11 correct?

12 A. Right.

13 Q. Okay. And there were bicycle tire impressions at  
14 various points there. Is that right?

15 A. Right.

16 Q. Now, let's talk about what was done and what was  
17 not done on the night of July 2nd and 3rd, 2008, to look for  
18 those impressions.

19 Would you agree with me that if you were  
20 able to locate, that night, bicycle tire impressions where  
21 Mr. DeMocker said he was riding his bicycle, that would be  
22 significant exculpatory evidence for Mr. DeMocker?

23 A. Yes.

24 Q. Okay. And particularly if those bicycle tire  
25 impressions went for a considerable distance, if you could

1 track them for miles?

2 A. True.

3 Q. He said he rode for miles; correct?

4 A. Yes.

5 Q. Okay. And what day was it that you went and did  
6 your video?

7 A. I believe it was the 19th.

8 Q. Of July?

9 A. Yes.

10 Q. Two-and-a-half weeks after the murder. Is that  
11 right?

12 A. Right.

13 Q. Okay. And in the intervening days between  
14 July 2nd, 3rd and July 19th, it rained a number of times in  
15 that vicinity; didn't it?

16 A. I believe so. I'm not sure.

17 Q. And people would have been traveling on Trails 347  
18 and 346 as you said, particularly taking advantage of "free  
19 parking" Wednesdays, apparently?

20 A. Yes.

21 Q. There would be a couple of Wednesdays in the  
22 intervening period; correct?

23 A. True.

24 Q. Okay. So if Mr. DeMocker's bicycle had made  
25 impressions there, it's likely that by 17 days later they

1 would be faded and not easily detected; correct?

2 A. True. But the reason I went on the 19th is  
3 because I had recently learned of the "end" location from the  
4 girlfriend. I did not have that "end" location before. So I  
5 didn't know where to ride.

6 Q. I understand what your reason is. I'm just trying  
7 to get at what the condition of those bicycle tire  
8 impressions would have been; correct?

9 A. They were very faded.

10 Q. Okay. As you would expect; correct?

11 A. Yes.

12 Q. Now, you didn't see any bicycle riders?

13 A. No.

14 Q. We didn't see any in the video. You didn't see  
15 any; correct?

16 A. No.

17 Q. And apparently if your eyes were telling you the  
18 truth, somebody, or some people, had been riding bicycles in  
19 that area on those trails at some point prior to the day you  
20 were there; correct?

21 A. True.

22 Q. And you couldn't tell how long those impressions  
23 had been on the ground; could you?

24 A. No.

25 Q. And you couldn't tell how many different bicycles

1 had made those impressions; correct?

2 A. No.

3 Q. And you couldn't tell whether there was one  
4 continuous track that went from the beginning point of your  
5 ride to the end point; is that right?

6 A. I did not see any bicycle tracks on Trail 309.

7 Q. That's the very rocky trail, part of which is in  
8 the wash; correct?

9 A. Right.

10 Q. Okay. Did you look to see if your bike left a  
11 trail?

12 A. I believe it did at some point. When I got out of  
13 the sand into the more finer dirt, I guess.

14 Q. Okay. Now, Mr. DeMocker said that he was riding,  
15 in part apparently, on part of this Trail 309; correct?

16 A. Right.

17 Q. Mr. DeMocker didn't know the trail number; right?

18 A. No. He didn't mention that.

19 Q. Nor did you?

20 A. Right.

21 Q. Nor did anybody else that you talked to until you  
22 got the Forest Service map that showed it was called  
23 "Trail 309"; correct?

24 A. Right.

25 Q. Okay. And, in fact, Doug Brown found a trail sign



1 that says 309?

2 A. I believe I did, too.

3 Q. Okay. But that was news to you?

4 A. Right.

5 Q. Okay. And apparently to Mr. DeMocker?

6 A. Don't know.

7 Q. Okay. Now, the first part of the trail, Trail  
8 309, goes on some hard-packed dirt, and then it goes down  
9 into a very sandy wash; correct?

10 A. It was more small rocks and boulders and sand.

11 Q. We saw very clearly, and you said when you were  
12 narrating that you had difficulty riding your bike through  
13 that part of the trail?

14 A. Right.

15 Q. It was very technical, and there were places where  
16 you had to get off and walk your bike; correct?

17 A. Yes.

18 Q. Okay. Now, it's also a wash, and then a pretty  
19 deeply eroded piece of single track trail; correct?

20 A. I believe so. Yes.

21 Q. So if it rained between July 2nd and 3rd, and July  
22 19th, it is possible that water flowed down either the wash,  
23 or that eroded trail, or both; correct?

24 A. Yes.

25 Q. And if it did, it's also quite likely that it

1 obliterated any trail that Mr. DeMocker might have left on  
2 the night of July 2nd; correct?

3 A. True.

4 Q. So the fact that you didn't see a bike trail on  
5 the 19th -- a bike track on that trail, could have just been  
6 a function of the weather; correct?

7 A. That's possible. Yes.

8 Q. It doesn't mean that Mr. DeMocker wasn't there?  
9 It just means you were 17 days late.

10 A. True.

11 Q. Okay. Now, let's talk about what did happen on  
12 the night of the 2nd and 3rd. You did eventually encourage  
13 people in the Sheriff's Department to go out and try and find  
14 where Mr. DeMocker said he had been; correct?

15 A. Yes.

16 Q. And that was Detective Brown and Detective Alex  
17 Jaramillo; correct?

18 A. I believe they actually took it upon themselves.

19 Q. Okay. Again, something you would have approved of  
20 because it made sense?

21 A. Yes.

22 Q. Okay. Now, Mr. DeMocker -- we've seen on the  
23 video as much as we could -- Mr. DeMocker was trying to tell  
24 you, on some level, where he had been and draw you a map.  
25 And you said, "that was vague"; right?

1 A. Yes.

2 Q. Now, you didn't know this trail area; did you, at  
3 all?

4 A. I was familiar with the one on Williamson Valley  
5 Road.

6 Q. Okay. But not this piece of it up on Rainmaker or  
7 Trail 309. That was all new territory to you?

8 A. Right.

9 Q. And you weren't even exactly sure where he was  
10 trying to tell you he rode; were you?

11 A. Right. That's why I asked him to draw me a map.

12 Q. Okay. And it's true; isn't it, that neither  
13 Detective Brown nor Detective Jaramillo were any more  
14 familiar with that particular trail system than you were?

15 A. True.

16 Q. And, in fact, Doug Brown was probably less  
17 familiar because he had not been working very long in the  
18 Prescott area; correct?

19 A. True.

20 Q. And he said that he had never had a call out in  
21 that area, and just didn't know that area around Rainmaker or  
22 Love Lane. That was all new territory to him?

23 A. I believe so.

24 Q. And they went over about 4:30 in the morning. Is  
25 that right?

1 A. Somewhere around that time. Yes.

2 Q. Okay. And at that time of the year, the sun  
3 starts to comes up -- it starts to get a little bit light  
4 between 4:30 and 5:00, and the sun comes up sometime not long  
5 after 5:00; right?

6 A. Okay.

7 Q. It's one of the times during the year when the sun  
8 comes up earlier; correct?

9 A. I'm not positive. I know that around June the sun  
10 goes down pretty late.

11 Q. It does. It goes down late and comes up early?

12 A. I'm not sure.

13 Q. Around July?

14 A. I'm not sure.

15 Q. Okay. Do you not get up early?

16 A. No.

17 Q. If I told you the sun comes up in the morning,  
18 would that come as a terrible shock?

19 A. I know it's up when I get up.

20 Q. I'm glad to hear that.

21 Okay. Now, let's go back to what they  
22 did. We'll hear from both of them, I suspect, as the trial  
23 progresses in this case.

24 But it's your understanding that they  
25 went and drove around, and were on Love Lane and came back

1 and reported that they were never able to find anything that  
2 looked like a trail; correct?

3 A. True.

4 Q. Okay. And as it turns out, they were probably  
5 pretty close to Mr. Peterson's house and the trail. Is that  
6 your understanding?

7 A. Yes. I believe they --

8 Q. And we've seen the picture, and we won't take the  
9 time to put it up now, but there's a spur that comes off of  
10 Love Lane -- Mr. Peterson actually described it as his  
11 driveway -- there appears to be a road with some houses on it  
12 that goes right down to his house and that pump house that's  
13 there. Do you know where I'm talking about?

14 A. Right. I believe it says "private drive."

15 Q. Okay. And the trail, 309, goes near his house,  
16 but it's very difficult to see unless you are right up on top  
17 of it; correct?

18 A. Yes.

19 Q. Well, when you get through Trail 309, and you go  
20 through that difficult part, and you get up through  
21 Trail 347, there's no mistaking that you're on a Forest  
22 Service trail at that point; correct?

23 A. True.

24 Q. It's like we saw in the video. There's signs.  
25 The trails have names. 347 is the Willow Trail. Is that

1 right?

2 A. Once you get closer to 347 and 346, yes.

3 Q. Okay. And apparently when Detectives Brown and  
4 Jaramillo came back, their conclusion was that whatever  
5 Mr. DeMocker was saying he was doing they had no way to  
6 corroborate that. Is that right?

7 A. Right.

8 Q. Okay. Now, if somebody had gone back, you or  
9 somebody else, just a few hours later when the sun came up  
10 with a map or with somebody that knew where they were going,  
11 perhaps, you could have found where Mr. DeMocker said he was  
12 riding?

13 A. That would be highly doubtful due to the fact that  
14 if you actually look at that trail at the beginning, it  
15 appears to be on private property and there is a sign that  
16 says "private drive." So, I would not be able to -- unless,  
17 you know, I am trespassing and on the property itself then,  
18 you know, travel further into the trail to know that it's  
19 actually the actual trail.

20 Q. Mr. DeMocker described to you during his video  
21 interview that he took this trail that came off of Love Lane  
22 and then it went back on the trail up towards Granite  
23 Mountain, and you indicated that you knew what he was talking  
24 about.

25 A. About Granite Mountain?

1 Q. Yes.

2 A. Yes.

3 Q. And about the trails that went towards Granite  
4 Mountain?

5 A. Right.

6 Q. Okay. Because you knew about that trail. You had  
7 been on it before?

8 A. Yes.

9 Q. Okay. And you knew how to get there, at least,  
10 from the Williamson Valley trailhead; correct?

11 A. Yes.

12 Q. But nobody went looking for Mr. DeMocker's bike  
13 tracks until you rode your bike on the 19th; correct?

14 A. No.

15 Q. Doug Brown took a walk with his GPS unit; correct?  
16 He walked on the Williamson Valley trailhead; correct?

17 A. After Detective Jaramillo and Brown searched the  
18 area, I went back there myself, too.

19 Q. When?

20 A. I believe it was on the 6th.

21 Q. Okay. Where did you go?

22 A. I went past Love Lane. I actually drove into that  
23 driveway where the gravel is at between the pump house and  
24 the house, and I did not see the trail. I turned around, and  
25 I came back down to Love Lane all the way to the end into the

1 dirt. There's a couple of dead ends that go up into the  
2 hill.

3 Q. Looks like somebody had taken a blade up that  
4 hillside and put some "For Sale" signs along there?

5 A. Yes. I drove -- I looked for anything that  
6 possibly could have led me to the Granite Basin trail. I  
7 looked for anything that would take me there, and I did not  
8 find it.

9 Q. But you didn't get a map?

10 A. No. I didn't know there was a map that existed  
11 until later.

12 Q. Okay. Well, you knew that the Forest Service  
13 trails had numbers; right?

14 A. True.

15 Q. And you knew they were maintained by the Forest  
16 Service; right?

17 A. Yes.

18 Q. And you know that the Forest Service office is  
19 just down on Marina Street; correct?

20 A. True.

21 Q. And you know that the Forest Service maintains  
22 trail maps; correct?

23 A. Right.

24 Q. And, in fact, you got a trail map eventually;  
25 correct?



1           A.     I got one at the Granite Basin parking area.

2           Q.     Okay. A map that showed Trail 309 where, to the  
3 naked eye, there was no such trail; there was no sign at the  
4 beginning, there was no parking, there was no bathroom, there  
5 was no nothing; right?

6           A.     True. And if it would have been marked, I would  
7 have found it.

8           Q.     Okay. So that's your reason for -- that's your  
9 reason. You just went and you couldn't find it; correct?

10          A.     True. I looked, and I couldn't find it.

11          Q.     Do you understand how terribly important the  
12 investigation of where Mr. DeMocker said he was is to  
13 Mr. DeMocker?

14          A.     That's why I went looking for it.

15          Q.     Okay. And you just couldn't find it?

16          A.     Couldn't find it.

17          Q.     By the time you got there, it may have been too  
18 late to see whatever tracks he had left there?

19          A.     If he would have told me it's between the pump  
20 house and this house, and that the dog is going to bark at  
21 you every time you go through there, I would have found it.  
22 I would have found it. But he did not give me that kind of  
23 description.

24          Q.     So was he lying?

25          A.     I don't know. Maybe he was telling from what he

1 remembers.

2 Q. What about when you've got Mr. DeMocker in the  
3 interrogation room, saying, you know, I'm just not getting  
4 this. Can we get in the car and go there?

5 How hard would that have been?

6 A. I don't think he was willing to do that at that  
7 time.

8 Q. You never asked him?

9 A. I don't think he was willing to do that at the  
10 time.

11 Q. You never asked him; did you?

12 A. Sir, I don't think he was willing to do that at  
13 the time.

14 Q. He answered every question that you asked him that  
15 night; correct?

16 A. To a certain degree.

17 Q. You never asked him, would you be willing to show  
18 us where you were with the bike? We just don't get this.  
19 We're not from here?

20 A. We didn't get to that point, sir.

21 Q. So when you say, "you don't think he would,"  
22 that's just your estimate? You just don't think he would;  
23 correct?

24 A. Sir, we didn't get to that point. If we would  
25 have been able to get to that point, I would have asked him.

1           Q.     Okay. So the sum total -- let me see if I  
2 understand the investigation.

3                         Jaramillo and Brown go out at 4:30 in the  
4 morning. They can't even find the trail. You go out on the  
5 6th. You can't find the trail. Brown walks -- do you know  
6 what day he does his walk?

7           A.     I believe it's a week before I did my riding.

8           Q.     Maybe the 12th?

9           A.     Somewhere around there.

10          Q.     Okay. And he finds Trail 309 and walks --  
11 somebody shows him where it is -- but he walks it backwards.  
12 He walks from 347, back up 309, and back; correct?

13          A.     I believe so. Yes.

14          Q.     Okay. And that is nine days after the murder;  
15 correct?

16          A.     Yes. That's when we had realized from  
17 Mr. DeMocker's girlfriend -- again, the end point of the  
18 trail. There are many trails there. We just can't pick and  
19 choose which one. We need to figure out a more -- get a  
20 better determination of where we're going to start and end.

21          Q.     Okay. I understand.

22                         And then on the 19th, you do your bicycle  
23 ride, and you see some tracks, but by that time you're not  
24 looking for Mr. DeMocker's tracks; right?

25          A.     It's like you stated, it's probably rained and

1 other vehicles, other pedestrians, have walked over it.

2 Q. But it's possible; isn't it, even those faint  
3 tracks you saw could still be Mr. DeMocker's? You weren't  
4 looking; were you?

5 A. They weren't clear enough to determine what type  
6 of tire it was.

7 Q. Okay. Now, when you're riding, just as a general  
8 premise here, on these kinds of trails, the trails get eroded  
9 down the center; right? The trails in that general area have  
10 an eroded place in the middle. They erode from the sides  
11 down to the center, and at the bottom of a lot of those  
12 trails is loose sand; correct?

13 A. Yes. Most of the time. Yes.

14 Q. Okay. And as an experienced mountain bike rider,  
15 if you had a choice between riding on the edge of the trail  
16 where it's hard-packed or in the loose sand, you would tend  
17 to ride on the hard-packed; right?

18 A. Yes.

19 Q. And we could even see at various points where you  
20 were riding up on the edge to stay away from the sand,  
21 down -- that had collected down at the bottom. We could see  
22 that; right? You do that?

23 A. Yeah.

24 Q. And you could see the bicycle tracks there  
25 skirting away from the sand, in the bottom, up towards the

1 edge; right?

2 A. True.

3 Q. Now, there are places on that video where brush,  
4 bushes and trees came right up to the edge of the trail.  
5 There's some places where it is wide open. There's some  
6 places where there is brush on the edge of the trail.

7 A. Some are bigger than the others.

8 Q. Okay. And if you were riding up on the edge of  
9 the trail to stay out of the sand, you would be riding near  
10 the bushes; right?

11 A. Not that close.

12 Q. You wouldn't?

13 A. I wouldn't.

14 Q. Okay. Now, you told Mr. DeMocker during this  
15 recorded interview that you understood what he was talking  
16 about because you would get scratched up from time to time  
17 when you would ride your bike.

18 A. Yes.

19 Q. And that's true; right?

20 A. Yeah. When I've crashed.

21 Q. Yeah. How about when you ride by something? Have  
22 you ever ridden by something and have it jump up and grab  
23 you?

24 A. I've ridden on small trails that have been about  
25 less than two feet in width where, yes, the brush or trees do

1 touch me.

2 Q. And they leave cuts that are parallel to the  
3 ground?

4 A. I have never gotten a deep cut. I've gotten small  
5 scratches, but not a deep cut like the one I saw.

6 Q. You've been riding a bike for four years now?

7 A. A little over.

8 Q. Maybe two years at the time of the murder?

9 A. Maybe a little bit more than that, two-and-a-half,  
10 three.

11 Q. Is it maybe that you're just lucky at this point  
12 and you haven't gotten the deep cut, yet?

13 A. I've crashed many times.

14 Q. You know what they say about bike riders? There  
15 are two kinds. There are people that have crashed, and there  
16 are people that are waiting to crash; right?

17 A. Yes.

18 Q. Okay. And that can happen?

19 A. Yes.

20 Q. If you had found tire impressions that were  
21 similar to the tires on Mr. DeMocker's bike, I presume you,  
22 as an open-minded investigator, would have employed the same  
23 amount of energy and effort to investigate those impressions  
24 that was applied to investigating the impressions at  
25 Glenshandra?

1 A. Yes, sir.

2 Q. You just never got there?

3 A. Never found them.

4 Q. Okay. Let's talk, if we can, now, sort of  
5 directly about your theory of the sequence of events in this  
6 case.

7 Do you believe that Steve DeMocker and  
8 Carol Kennedy had a firm appointment to meet on the night of  
9 July 2nd, 2008, at her house?

10 A. Based on all the information that I saw, yes.

11 Q. Okay. And what time was that appointment for?

12 A. I believe -- it wasn't a clear time, but I believe  
13 it was supposed to be somewhere after she got home from work.

14 Q. And what is the source of your belief? What is  
15 the information that you have?

16 A. From text messages, and from what Mr. DeMocker  
17 told me himself.

18 Q. Okay. Let me -- and Mr. DeMocker showed you his  
19 phone, and you got the text messages off his phone; correct?

20 A. To some degree.

21 Q. Pardon me?

22 A. To some degree.

23 Q. Okay. Let's talk about -- let me show you  
24 Exhibit 2648 for identification.

25 Tell me if you recognize the material

1 that's summarized in 2648.

2 A. (Whereupon, the witness reviews a document.)

3 Q. And if it makes it any easier, let me show you  
4 2591, 93, 90, 88, 89, and 92 in evidence. Photos of the text  
5 messages.

6 A. I believe these are the text messages that were  
7 being sent back and forth between Mr. DeMocker and  
8 Miss Kennedy.

9 Q. Is 2648 a summary in an organizational form of  
10 those text messages?

11 A. Say again.

12 Q. Is 2648 for identification a summary chart of the  
13 text messages you have in your left hand?

14 A. I believe so. Yes.

15 MR. SEARS: Okay. I would move 2648.

16 MR. BUTNER: No objection.

17 THE COURT: 2648 is admitted.

18 BY MR. SEARS:

19 Q. Okay. Here's 2648 up on the ELMO. This is a  
20 series of text messages between Steve DeMocker and Carol  
21 Kennedy on July 2, 2008. Is that right?

22 A. Yes.

23 Q. And they begin at just before 8:00 in the morning  
24 when Steve sends Carol a text message -- by the way, for  
25 those of us that are not as technologically adept; what's a



1 text message?

2 A. You send a message via your cell phone.

3 Q. To somebody else's cell phone?

4 A. Correct.

5 Q. And they get a message that looks like this?

6 A. True.

7 Q. It appears on their telephone?

8 A. Yes.

9 Q. And they can respond to it, and it's a way to  
10 communicate back and forth without talking on the phone?

11 A. True. Almost like e-mail.

12 Q. Steve says, "I need to pick up the X-3."

13 What's the X-3?

14 A. I believe that's the daughter's -- Katie's  
15 vehicle.

16 Q. Okay. That's the BMW X-3 that was found in  
17 Carol's garage the night of the murder; correct?

18 A. Yes.

19 Q. And it belonged to Katie who had just left for an  
20 extended period of time for Africa; correct?

21 A. Yes.

22 Q. So you know from your investigation that Steve and  
23 Carol had been communicating about Steve possibly taking the  
24 X-3 and doing something with it; correct?

25 A. Right.

1 Q. So that message is: When and how can I get the  
2 keys.

3 Okay. And then the next message is Steve  
4 again at 1:42 -- 13:42 military time -- 1:42 in the  
5 afternoon, "can you give me the courtesy of a response to my  
6 question about picking up the X-3, or my e-mail about  
7 exchanging text."

8 Okay. So that's a message from Steve to  
9 Carol; right?

10 A. Exchanging what?

11 Q. Checks?

12 A. Yes.

13 Q. Okay. I may have said "text." I'm sorry, checks.

14 Okay. So he's asking again about the  
15 X-3; correct?

16 A. Yes.

17 Q. Okay. Now, e-mail about exchanging checks. Okay.  
18 You've seen those previous e-mails; correct?

19 A. I believe so.

20 Q. And you know what, from your investigation, what  
21 Mr. DeMocker is referring to in that text message; correct?

22 A. Yes, I do.

23 Q. Okay. What he's referring to is that Mr. DeMocker  
24 believed that Carol Kennedy owed him about \$8,500 to finish  
25 up the divorce settlement, and that he owed her \$6,000 in

1 alimony; correct?

2 A. Yes. And she was also supposed to pay some debt.

3 Q. Okay. Well, we will get to Carol's position, but  
4 Steve's position was you owe me \$8,500, I owe you \$6,000, so  
5 let's get together and exchange checks. I'll give you a  
6 check for \$6,000, you give me a check for \$8,500. That's his  
7 idea; correct?

8 A. Right.

9 Q. And Carol's response is: Whoa, wait a minute.  
10 No, that's not right. It's not \$8,500. It's a smaller  
11 number; right? You understand the history of that?

12 A. Yes.

13 Q. Want to walk through it? Let's walk through it  
14 again.

15 In the divorce settlement from May 28,  
16 2008, one of the terms of the settlement was that a 401(k)  
17 retirement account was going to be provided to Carol Kennedy  
18 through something called a Q-D-R-O, a QDRO. You know that;  
19 right?

20 A. Yes.

21 Q. Qualified Domestic Relations Order; correct?

22 A. Right.

23 Q. And the agreement said that she would get that  
24 money. She would pay the taxes on it, and from the net  
25 amount, what was left over, she would pay certain agreed upon

1 joint debts; correct?

2 A. True.

3 Q. And that if there was money left over, she would  
4 keep that money; correct?

5 A. There was supposed to be a certain amount. If  
6 there was money left over, they were supposed to split it.

7 Q. Okay. That's a different matter. There's a  
8 general proposition that the agreement in the divorce, which  
9 you've read, I'm sure, says that she was to get the 401(k),  
10 pay the taxes, pay the debts, and keep whatever was left.  
11 That was the basic agreement; right?

12 A. Not the way I understood it.

13 Q. Okay. I think what you're confusing here is  
14 another piece of this, which was: During the divorce  
15 negotiations, the value placed on the QDRO for purposes of  
16 negotiation was \$180,000. You know that; correct?

17 A. I believe Mr. DeMocker thought it was higher.

18 Q. Well, actually what happened, Sergeant; isn't it,  
19 that on the day they were here in this building,  
20 May 28, 2008, Mr. DeMocker called his office and discovered  
21 that the value of this retirement account had actually  
22 increased. It wasn't \$180,000. It was about \$197,000.  
23 That's what happened?

24 A. I believe so.

25 Q. You believe so.

1                   And so then they had a discussion on the  
2 fly here, one floor below us, about what to do about that  
3 extra \$17,000. The money above \$180,000?

4           A.     Correct.

5           Q.     And it was negotiated. And eventually it was  
6 negotiated to this: That Carol would get the \$180,000  
7 subject to the agreement, which is: Pay the taxes, pay the  
8 debts, keep whatever is left over. As to the \$17,000, the  
9 difference between 180 and 197, they agreed to split that  
10 between the two of them; correct?

11          A.     That's correct.

12          Q.     So that's where the \$8,500 comes from. That's  
13 half of 17; right?

14          A.     Correct.

15          Q.     Okay. So Mr. DeMocker's position was that  
16 pursuant to the divorce decree, she still owed him \$8,500;  
17 correct?

18          A.     Yes.

19          Q.     Now, Carol said, well, here's what happened. By  
20 the time that retirement account got liquidated, it had gone  
21 down again, and it wasn't \$197,000. It was a little over  
22 \$186,000, and so I don't owe you half of 17. I owe you half  
23 of the difference between 180 and 186. That's her position;  
24 right?

25          A.     I believe so.

1           Q.     Okay. So that was a squabble between the two of  
2 them. Steve saying, it was as of the date of the divorce.  
3 It was 197, and she says, no, it's 186, and they were not  
4 agreeing at that point?

5           A.     True.

6           Q.     Okay. And in addition, Carol raised the idea that  
7 Steve was supposed to pay some back payments on a credit  
8 card. Carol was going to take this credit card and make the  
9 payments, but she believed that Steve should have made up the  
10 back payments on the credit card? The Chase card?

11          A.     True.

12          Q.     Okay. And so she was saying, look, okay, you say  
13 it's this -- here's what you say, Steve -- you say I owe you,  
14 Steve, \$8,500, you owe me \$6,000. Let's exchange checks. I  
15 say no, I owe you \$3,000. You owe me \$6,000, but you also  
16 owe me about \$4,000 for those missed payments, so actually  
17 you owe me more money than I owe you. That's her view of  
18 this. Are you with me?

19          A.     To some degree.

20          Q.     Okay. What's different in your mind?

21          A.     Some of the information that I read also stated  
22 that Mr. DeMocker had intentionally raised, or taken money  
23 out prior to the agreement, on that credit card. That it  
24 sent it over the limit, and there was other fees included.

25          Q.     So Carol was complaining about certain aspects of

1 the credit card. Among them, the missed payments, and then,  
2 maybe, the fact that the balance was too high?

3 A. Yes.

4 Q. That they had agreed on the balance, and now it  
5 was too high. So they were continuing to squabble even  
6 though they were divorced. This was not getting resolved;  
7 correct?

8 A. Yes.

9 Q. And the total amount is less than \$10,000? The  
10 total between the two of them? It was less than \$10,000?

11 A. Probably, yes.

12 Q. Sure.

13 And that's what Steve -- Steve is  
14 e-mailing her about exchanging checks. Her e-mail back to  
15 him at 1:55, or 13 minutes later is: "May come pick up  
16 Katie's car the evening if you like."

17 "U-D." That's text message speak; right?  
18 "U-D" means "you'd," if you'd like?

19 A. Yes.

20 Q. It doesn't mean "ud."

21 "I assume you have the spare key and hers  
22 are in it. I have not had time or a computer to see e-mail  
23 today. Will read it when I get home after 5:00. Is it time  
24 sensitive or about Katie's car?"

25 So she's talking -- the e-mail she's

1 talking about is the one about exchanging checks, presumably;  
2 right?

3 A. Yes.

4 Q. And at 1:55, your understanding is that Carol was  
5 at work at Pia's Place; correct?

6 A. Yes.

7 Q. Okay. And Steve was at work at UBS; correct?

8 A. I believe so, yes.

9 Q. Okay. And then at 13:57, Carol sends him a  
10 further message, "my cell is dying, won't hold a charge  
11 anymore." Okay. And then at 2:33 Steve says, "it's about  
12 the fact that we each owe the other a pile of money today.  
13 Is there another e-mail address to which you'd like a copy  
14 sent?" Okay. And Carol doesn't respond until 7:06. That  
15 says, "the key is in the garage. You never replied to let me  
16 know if you were coming to get it." And then at 7:27, the  
17 last message, Carol to Steve, "I also need the DHL shipping  
18 info if they got it for you today." Okay. The DHL shipping  
19 was Katie had left some things behind and they were going to  
20 together ship her some things to her in Africa. That's what  
21 that was about?

22 A. Yes.

23 Q. Okay. Now, tell me where in this exhibit there is  
24 a clear indication that they had an appointment to get  
25 together that night for any purpose.



1           A.     Well, I believe Carol was asking him whether he's  
2 going to come or not when she gets home after work.

3           Q.     If you and I agree to meet after court today --  
4 let's stretch reality a lot here -- if we agree to meet after  
5 court today and the way it's left is you say, "I'll talk to  
6 you." And I send you a text message that says, "you never  
7 told me if you were coming or not," do we have an  
8 appointment? Is that an appointment that you would put in  
9 your book and say, "oh, I know when that is?"

10          A.     That would be -- for me that would be correct, but  
11 I don't know how him and her work.

12          Q.     Right. So you're making some assumptions, then --

13          A.     True.

14          Q.     -- about Steve's talking about picking up the X-3,  
15 and then there's something about the checks, but it's not  
16 clear at all from any of these text messages whether there  
17 was a meeting of the minds saying, okay, I'll see you tonight  
18 from either one of them?

19          A.     From the text messages, I assume that they were  
20 going to meet due to the fact they owed each other money.

21          Q.     It does not say anywhere in there, I will see you  
22 tonight. I'll be there. Or, I will see you?

23          A.     True.

24          Q.     Nothing like that; correct?

25          A.     True.

1           Q.     Now, talking about the X-3. Steve lived in town,  
2 and the X-3 is an automobile that needs to be driven;  
3 correct?

4           A.     Don't know.

5           Q.     Well, Steve didn't have a tow truck to your  
6 knowledge; right?

7           A.     Right.

8           Q.     Okay. You saw earlier text messages and, in fact,  
9 in your interview with Steve, he talked about taking  
10 Charlotte out to drive one of the two cars because he's got  
11 his car and then he's going to bring another car back, so he  
12 needs another driver; right?

13          A.     He mentioned something about that.

14          Q.     It's in the video interview.

15          A.     I don't exactly remember the words he used.

16          Q.     Do you have any proof that there was someone else  
17 with Mr. DeMocker that evening out in the vicinity of Bridle  
18 Path, or was he alone?

19          A.     Ask again.

20          Q.     Did Mr. DeMocker have a driver with him that night  
21 who could have driven Katie's car back to his home?

22          A.     Not that I know of, no.

23          Q.     Okay. So it's extremely unlikely, isn't it, that  
24 if Mr. DeMocker was telling you the truth, that there was any  
25 plan whatsoever on Mr. DeMocker's part to go over to Carol's

1 house and get the X-3 that night?

2 A. I don't know that.

3 Q. How would Mr. DeMocker have gotten the car back  
4 that night if he was alone?

5 A. He could have put his bicycle in the car, just  
6 like he does in his normal vehicle, and driven that car home  
7 and then come back for the other one.

8 Q. And then somebody would have to bring him out for  
9 the other car?

10 A. True.

11 Q. That's what he would have had to have done. Does  
12 that make a lot of sense?

13 A. A lot of things didn't make sense what he said.

14 Q. Okay. Taking Charlotte out so that she could  
15 drive her sister's car back would have been the logical thing  
16 to do; right?

17 A. True.

18 Q. Okay. Driving by himself, leaving one car out  
19 there, and driving another car back so that he would have to  
20 get a ride back to his car would be the most difficult way to  
21 get that done; right?

22 A. True. But you asked me another way.

23 Q. Okay. Now, where in this exchange of e-mails do  
24 you read an agreement between the two of them to meet at  
25 Carol's house on the night of July 2nd, 2008, to exchange

1 checks?

2 A. There isn't an agreement, per se, but you can  
3 infer from the text messages that they want to meet.

4 Q. Which one?

5 A. For example, "can you give me the courtesy of  
6 answering." He wants to know if he can go out there or not.  
7 He's asking her.

8 Q. Okay. And the last e-mail at 19:06, "you never  
9 replied to let me know if you were coming to get it." And  
10 that's true; right?

11 A. True.

12 Q. So as far as Carol knew, they had no agreement?

13 A. She wants to know.

14 Q. Okay. Did Steve DeMocker go to Bridle Path to get  
15 the X-3 that night?

16 A. Not that I know of.

17 Q. Did he go to the Bridle Path address to talk with  
18 Carol about exchanging checks?

19 A. He did mention that -- like it says in that text  
20 message -- that they owed each other a pile of money, and she  
21 was not willing to pay some of the debts.

22 Q. Okay. Do you know of a single instance in the  
23 course of the divorce from March of 2007 to May 28, 2008,  
24 while the divorce was alive, where Steve DeMocker went to  
25 Bridle Path to get money from Carol? Can you point to one

1 single instance?

2 A. He did go drop that art work off.

3 Q. My question was: Can you think of one particular  
4 instance that you know about during that period of time  
5 between March of 2007 when the divorce was filed and May 28,  
6 2008, when it was final, where Steve DeMocker went to Bridle  
7 Path to get money from Carol Kennedy?

8 A. I don't know.

9 Q. But there are instances in which money was  
10 transferred electronically in bank accounts. You know that  
11 from looking at the records; correct?

12 A. I don't remember. I am sure there was, but I  
13 don't remember.

14 Q. Both of them had lawyers during the divorce;  
15 right?

16 A. Yes.

17 Q. Payments were made by check. They were mailed;  
18 correct?

19 A. Carol used to write checks.

20 Q. Okay. And Steve would pay bills; right, pursuant  
21 to the Court order in the divorce, with a check; right?

22 A. I believe so.

23 Q. Okay. Not by going over to Carol's house?

24 A. Not that I know of.

25 Q. But you think this night was different? That he

1 was going to go over there and talk about money? For the  
2 first time, he was going to go over there and talk about  
3 money?

4 A. According to him, yes.

5 Q. Okay. In the video that we've all seen, you say  
6 somewhere in there he says he went over there that night to  
7 talk to her about money?

8 A. I believe it's when we spoke to him out at the  
9 scene.

10 Q. What he said was that he hadn't been there that  
11 night. He didn't go there. He wasn't there. That's what he  
12 told you repeatedly; right?

13 A. On top of everything else.

14 Q. Do you have a theory in this case that suggests  
15 that Steve DeMocker went there to get money from Carol  
16 Kennedy, and they had an argument, and he got mad and killed  
17 her?

18 A. I don't know that.

19 Q. Do you know that it didn't happen?

20 A. It could have.

21 Q. So that's another theory of what happened? Yes?

22 A. True.

23 Q. Could he have driven his car over there? Walked  
24 in the front door?

25 A. Don't know that.

1 Q. Possible?

2 A. Possible.

3 Q. Okay. They had an argument somewhere in the  
4 house, and he got angry and killed her?

5 A. That's possible.

6 Q. Is it any more or less possible than the  
7 previously advanced theory that he lay in wait and ambushed  
8 her and killed her? Which is more plausible?

9 A. Which is more plausible?

10 Q. Yeah.

11 A. Well, I have evidence that somebody entered and  
12 left through the back.

13 Q. We'll get there in a minute.

14 That's what makes you think that that's  
15 what happened?

16 A. We also have some sort of footwear that is similar  
17 to Mr. DeMocker's.

18 Q. Okay. That's evidence that was developed after  
19 you were off the case; right?

20 A. True.

21 Q. Somebody else will talk about that, I'm sure, in  
22 this case.

23 But the theory that Mr. DeMocker just  
24 went there to have a discussion with her, and it went very  
25 badly, and he wound up killing her is a theory; correct?

1 A. That could be one, yes.

2 Q. Is that a theory that you considered?

3 A. Based on the fact that, again, that the scene was  
4 staged, and the amount of force that was used on  
5 Mrs. Kennedy. Someone was very angry at her.

6 Q. And that's consistent with an argument; correct?

7 A. That's possible, yes.

8 Q. That's not first degree murder is it?

9 A. Depends. If you went there with the intention of  
10 killing her, yes.

11 Q. But from your theory, if I understand, he may have  
12 gone there with the intention of exchanging checks or picking  
13 up Katie's car or both; correct?

14 A. That's true.

15 Q. That's not intent to kill her; right?

16 A. True.

17 Q. And they had some argument inside the house, and  
18 what? He killed her?

19 A. That's possible, yes.

20 Q. Okay. Now, let's think about that a bit. Your  
21 theory, if I understand it, your theory being the police  
22 theory is: That Mr. DeMocker parked his car up on Rainmaker,  
23 and rode his bicycle from Rainmaker down to Glenshandra and  
24 through the gate at Glenshandra. Is that right?

25 A. Yes.



1 Q. Okay. Do you know the route he took?

2 A. No.

3 Q. Now let's look at -- this is 2341. Not so good  
4 map. At least we can see Rainmaker here.

5 Okay. Now, your theory, the police  
6 theory, is -- and we're not talking about that Steve went  
7 over there to exchange money and pick up Katie's car and got  
8 into an argument. We're talking about the premeditated  
9 laying in wait killing.

10 He started up here on Rainmaker, and he  
11 had to somehow drive down to Williamson Valley Road; right?  
12 Either down Levi Lane or back down Rainmaker to Williamson  
13 Valley Road; correct?

14 A. Not necessarily.

15 Q. Well, did he take the trail all the way around to  
16 the Williamson Valley trailhead?

17 A. Not necessarily.

18 Q. Okay. What other ways could he have gone?

19 A. I have seen some sort of trails that go from  
20 Rainmaker over here to this area, to this road up here that  
21 leads to Glenshandra.

22 Q. The trail from Rainmaker to Glenshandra. Is it  
23 inside the national forest here? See the boundary?

24 A. No.

25 Q. It's a trail through a neighborhood?

1 A. Yes. It's a cow path almost.

2 Q. Okay. And where are the pictures of that?

3 A. I don't have any.

4 Q. Where's the map of that?

5 A. I don't have any.

6 Q. When did you discover that trail?

7 A. I saw it on an overhead photo.

8 Q. When?

9 A. Maybe six months ago.

10 Q. Okay. Whose overhead photo?

11 A. One that we had.

12 Q. Okay. Did you ever go out and try to find the  
13 trail on the ground?

14 A. No.

15 Q. Okay. So you think you see a trail that goes on  
16 the east side of the national forest through these  
17 neighborhoods and comes out where?

18 A. Somewhere around there.

19 Q. Up near Glenshandra?

20 A. Yeah. Somewhere around there. The next road up  
21 here. I don't know what it's called.

22 Q. Here?

23 Why don't you step down with the laser  
24 pointer and show us.

25 A. Somewhere around here. It goes from here to here

1 somewhere to here.

2 Q. Through private property?

3 A. Yes.

4 Q. Over fences?

5 A. Couldn't tell.

6 Q. You just saw it in an aerial photo and you've  
7 never been on the ground to see if it's there; correct?

8 A. True.

9 Q. Okay. And you don't know whether anybody's ridden  
10 a bicycle on it; correct?

11 A. True.

12 Q. Okay. So that's an alternative theory? You think  
13 that Mr. DeMocker rode there?

14 A. It's possible.

15 Q. Well -- could I have the Court's laser pointer  
16 back.

17 I suppose anything is possible. I  
18 suppose Mr. DeMocker could have gotten on these trails and  
19 ridden down here to HoKayGan and back through Williamson  
20 Valley Road. There's almost no limit to where Mr. DeMocker  
21 went. You're just trying to figure out how he got from  
22 Rainmaker to the end of Glenshandra up here; correct?

23 A. I'm just saying there's several ways to get there.

24 Q. Okay. Right. The straightforward way would be  
25 back down Rainmaker, which is a pretty steep hill, from up

1 here, all the way back down to Williamson Valley Road;  
2 correct?

3 A. True.

4 Q. Okay. And then Williamson Valley Road -- for  
5 those members of the jury who are not from here -- is a main  
6 artery road for Yavapai County; correct?

7 A. Yes.

8 Q. For the moment, it's two-lane, blacktop, and there  
9 is construction in progress to widen this road eventually to  
10 five lanes; correct?

11 A. I believe so.

12 Q. Okay. But right now the speed limit on this road  
13 is 50 miles an hour? On Williamson Valley Road; correct?

14 A. Yes.

15 Q. Okay. And it's a busy road; isn't it?

16 A. Yes.

17 Q. And one of the reasons they're going to widen it  
18 is because it's a busy road. It's too busy, at least in the  
19 minds of some people, for two lanes; correct?

20 A. Right.

21 Q. And there's no bike lane on Williamson Valley  
22 Road; correct? There's a shoulder in various places, dirt  
23 shoulder; correct?

24 A. Right.

25 Q. Mr. DeMocker at some point, based on your theory,

1 would have had to ride some part of Williamson Valley Road --  
2 whether he took this cow trail somehow or went down the paved  
3 road -- he would have ridden on Williamson Valley Road north  
4 to Glenshandra; correct?

5 A. True.

6 Q. Okay. And then all the way down Glenshandra --  
7 it's about a mile from Williamson Valley Road to  
8 Glenshandra -- all the way down to the end; correct?

9 A. True.

10 Q. Okay. And then your theory is: He goes through  
11 the gate, and goes about a hundred yards in, stashes his  
12 bike, and then winds up walking to an area right behind the  
13 house at Bridle Path; correct?

14 A. Right.

15 Q. Okay. Goes over the fence and gets into the house  
16 where?

17 A. Either through the door for the office or whatever  
18 other door that was unlocked.

19 Q. Okay. And Carol is not in the house; right?

20 A. True.

21 Q. Carol is out on her run. So somehow he knows  
22 that; right?

23 A. I believe that you have to confirm this with  
24 Detective Kennedy who did the tracks out at the scene.

25 The foot that was coming in from

1 Glenshandra was actually on top of Mrs. Kennedy's foot,  
2 footprint, which means that that was the last footprint, and  
3 that was headed in.

4 Q. Okay. Maybe we'll see a picture of that, and  
5 maybe we won't. Have you seen a picture of that?

6 A. I believe so.

7 Q. Okay. Well, we'll wait and see.

8 Now, back to this theory. Now,  
9 Mr. DeMocker is not wearing his bicycle shoes, apparently;  
10 right?

11 A. Right.

12 Q. He's wearing these La Sportiva shoes; right? Even  
13 though he has a bicycle that has clipless pedals that is  
14 designed to be ridden with bike shoes; correct?

15 A. Right.

16 Q. Even though he tells you he's wearing bike shoes,  
17 and two pairs of bike shoes that fit that bike are seized  
18 from his residence; correct?

19 A. Right.

20 Q. Okay. Nonetheless, he is riding this bicycle all  
21 this distance wearing shoes that are not meant for that  
22 bicycle; correct?

23 A. True. But it can be done.

24 Q. All things are possible?

25 A. I've seen my son do it.

1 Q. Okay. But he went to the trouble of parking up  
2 here and riding his bicycle, but for some reason didn't want  
3 to wear his bicycle shoes; correct?

4 A. True.

5 Q. Okay. And he's riding in these hiking/running  
6 shoes, and he gets down here and he stashes it. And then  
7 these shoe prints come in, and come into the back of house,  
8 and then go over the fence; right?

9 A. Right.

10 Q. Okay. Now, we have seen, with other witnesses, a  
11 picture of 2594. This is on the fence line between the  
12 Bridle Path property and in the distance is the open land,  
13 the Deep Well Ranch; correct? Do you know where we are?

14 A. Right.

15 Q. Okay. And you can see there's a -- this wall here  
16 is the wall to Carol's garden; correct?

17 A. Yes.

18 Q. Okay. And this is the trampoline here?

19 A. Right.

20 Q. You remember the trampoline?

21 A. Yes.

22 Q. Okay. Now, this device here, these horizontal  
23 wooden slats, was obviously built to help a person go over  
24 the barbed wire fence without having to climb over it.  
25 That's what the purpose of it is. You can climb up and over

1 this; right?

2 A. Okay.

3 Q. And building it this way, as opposed to a gate,  
4 means that you don't have to worry about leaving it open so  
5 that the cattle that live on this ranch aren't going to get  
6 into your property and get into your garden; right? Because  
7 this is not a gate that can be left open; correct?

8 A. Okay.

9 Q. Okay. Now, that's not where you say Mr. DeMocker  
10 went over the fence; right?

11 A. Right.

12 Q. If I told you that Mr. DeMocker built this, would  
13 you have any reason to dispute that?

14 A. No.

15 Q. Okay. Where you say, "Mr. DeMocker went over the  
16 fence" is how many feet this way along the fence line from  
17 this climbing place?

18 A. It was almost directly behind the house. By the  
19 window that was for the office.

20 Q. Okay. So your theory is that Mr. DeMocker,  
21 knowing that this place to climb over the fence easily was  
22 here because he built it, nonetheless, chose to climb over or  
23 through an old, rusty, barbed wire fence instead; correct?

24 A. Yes.

25 Q. And the reason is that's where these shoe prints



1 go. There are none of these shoe prints in the vicinity of  
2 this horizontal wooden slatted place; correct?

3 A. I don't remember.

4 Q. Okay. Your theory has -- is following the  
5 footprints. So if the footprints go to a different place,  
6 your theory has to have Mr. DeMocker going over and through  
7 the fence where the footprints end; correct?

8 A. Right.

9 Q. You can't have Mr. DeMocker going here because  
10 there are no footprints?

11 A. I don't remember. It might be possible that it's  
12 just Miss Kennedy's footprints there.

13 Q. Do you remember seeing any shoe prints at all that  
14 you think are associated with Mr. DeMocker on either side of  
15 this device that night?

16 A. Not that I can remember.

17 Q. Okay. So back to my question is: It's important  
18 for your theory in the case that Mr. DeMocker goes over  
19 through the barbed wire fence because that's clearly where  
20 you say these shoe prints go?

21 A. Right.

22 Q. Okay. Now, what's Mr. DeMocker got with him, if  
23 anything, at this point?

24 A. What's that?

25 Q. What's Mr. DeMocker got with him, if anything, at

1 this point?

2 A. I don't know.

3 Q. Okay. Does he have a weapon?

4 A. That's possible.

5 Q. Does he have his checkbook?

6 A. That's possible.

7 Q. What's he wearing?

8 A. Don't know.

9 Q. Is he wearing the clothes that he told you that he  
10 was wearing?

11 A. I don't know.

12 Q. Is he wearing gloves?

13 A. That's possible, yes.

14 Q. Is he wearing booties?

15 A. That's also possible, yes.

16 Q. Is he wearing a Tyvex bunny suit?

17 A. That's possible, too.

18 Q. Okay. Is he wearing coveralls?

19 A. Anything is possible, yes.

20 Q. You just have no idea what he's wearing?

21 A. Correct.

22 Q. Okay. Now, he goes over and you don't know  
23 whether he's armed or not?

24 A. Don't know.

25 Q. Is he alone?

1 A. Don't know.

2 Q. Did you find any evidence of another person?

3 A. No.

4 Q. Now, he gets into the house, and you believe that  
5 Carol is still out on the Deep Well doing her run; correct?

6 A. Yes.

7 Q. Okay. Where does he go in the house?

8 A. It is possible that he was in the laundry room  
9 area.

10 Q. Because the light bulbs were discovered to be  
11 unscrewed?

12 A. Correct.

13 Q. Okay. When were the light bulbs discovered to be  
14 unscrewed?

15 A. I believe it was the day after or the next time I  
16 came to the house.

17 Q. Okay. And Mr. Knapp was with Detective Jaramillo;  
18 wasn't he?

19 A. I don't remember. I remember Detective Jaramillo  
20 pointing out to me that the light bulbs were not working in  
21 that room.

22 Q. Okay. This is a good time to talk about  
23 Mr. Knapp.

24 Mr. Knapp went back in the house with  
25 Detective Jaramillo on July 6th?

1           A.     That's possible, yes.

2           Q.     Okay. And Detective Jaramillo wrote a report,  
3 that I'm sure you read, that said that Mr. Knapp pointed out  
4 the unscrewed light bulbs. And that was the first time law  
5 enforcement had been made aware that those bulbs had been  
6 unscrewed; correct?

7           A.     I don't know that.

8           Q.     Now, let's talk about -- I think this is a good  
9 place to talk about Mr. Knapp.

10                         On the night of July 2nd, Mr. Knapp was  
11 actually at the scene ahead of you; was he?

12          A.     Yes.

13          Q.     Okay. He got there just a few minutes after the  
14 second waive of responders, which would be Sergeant Howard,  
15 Sergeant Acton and the other deputies that got there. He got  
16 there just after that; correct?

17          A.     Yes.

18          Q.     Okay. And he was very upset, and Deputy Boan, who  
19 we've heard from, was assigned to stand by with him; correct?

20          A.     Right.

21          Q.     And he said at various times that he had been in  
22 town all day visiting his children; correct?

23          A.     Yes.

24          Q.     And that he was upset, and he tried to call Carol  
25 on his cell phone. And that when he found out that Carol was

1 dead, he became very emotional; correct?

2 A. Yes.

3 Q. Did you talk to Knapp?

4 A. Yes.

5 Q. On tape?

6 A. I believe it was Detective Doug Brown and I.

7 Q. Okay. On tape?

8 A. Yes.

9 Q. Who was running the tape?

10 A. Doug Brown.

11 Q. Okay. And that was at the scene that night?

12 A. Yes.

13 Q. And Knapp at one point was allowed to be escorted  
14 into the guest house to get his medication; correct?

15 A. Yes.

16 Q. And then Knapp said that he was going to go stay  
17 at a motel in town, and he left; correct?

18 A. Right.

19 Q. Now, you were there when Commander Mascher said in  
20 the presence of Mr. DeMocker that Mr. Knapp was going to be  
21 questioned just like Mr. DeMocker, Mr. DeMocker's daughter  
22 and her boyfriend; correct?

23 A. We did speak to him that night. Detective Doug  
24 Brown did speak to him that night.

25 Q. You didn't take him down to the police station and

1 do a video taped interview with him; did you?

2 A. No.

3 Q. And, in fact, the recorded interview with  
4 Mr. Knapp is impossible to hear. You know that now?

5 A. I don't think so. I listened to it.

6 Q. Okay. Maybe we'll hear that when Detective Brown  
7 testifies.

8 Okay. Now, Mr. Knapp was allowed to  
9 leave; correct?

10 A. Yes.

11 Q. Mr. Knapp said he had an alibi; correct?

12 A. Yes. Very detailed.

13 Q. Yeah. Just like Mr. DeMocker. Mr. DeMocker gave  
14 you a very detailed alibi. He said he was riding his bike.  
15 He cut his leg. His phone wasn't working, and he drove home.  
16 Mr. DeMocker gave you a very lengthy alibi; correct?

17 A. Yes. But it was not provable. I cannot prove  
18 what he was telling me.

19 Q. Because he was unfortunately not in a place where  
20 he could see people?

21 A. And unfortunately his phone was also dead.

22 Q. And unfortunately you didn't go to the place where  
23 he said he was riding and see whether his bicycle tracks were  
24 there or not because you couldn't find them?

25 A. True.

1 Q. Okay. A lot of unfortunatelys connected with  
2 that.

3 And Mr. Knapp had an alibi that was  
4 principally corroborated, if at all, by his ex-wife and by  
5 his children; correct?

6 A. Yes. And by his cell phone.

7 Q. I'm sorry?

8 A. And by his cell phone.

9 Q. Yes. And we will talk about that.

10 With regard to his alibi, in fact, the  
11 first time that law enforcement contacted Mr. Knapp's  
12 ex-wife, Ann Saxerud, was not until July 6th, four days after  
13 the murder; correct?

14 A. I'm not sure on the date but that sounds accurate.

15 Q. And, in fact, that contact between Doug Brown over  
16 the telephone and recorded with Ann Saxerud was very short,  
17 and had set up an interview. She wasn't interviewed about  
18 Mr. Knapp's alibi until July 31. 29 days after the murder  
19 was the first time that Ann Saxerud was interviewed in any  
20 detail about where Knapp was that night. That's true; isn't  
21 it?

22 A. I believe so.

23 Q. That's the first time his children were talked to;  
24 correct?

25 A. I'm not sure.

1 Q. Do you have any information that they were talked  
2 to without Miss Saxerud around?

3 A. Not that I know of.

4 Q. She was very protective of her children and didn't  
5 want them to be interviewed; correct?

6 A. I believe so.

7 Q. It's unlikely, then, that her children were  
8 interviewed without her consent or participation; correct?

9 A. You would have to ask Doug Brown.

10 Q. We're building a list for Detective Brown. He'll  
11 have plenty to talk about.

12 So Mr. Knapp was allowed to leave the  
13 scene having been talked to, but not in the same way  
14 Mr. DeMocker was, without his alibi being corroborated;  
15 correct?

16 A. Ask again.

17 Q. Mr. Knapp was allowed to leave the scene that  
18 night and go his way, his own way, without being interviewed  
19 at the Sheriff's office and without his alibi even being  
20 corroborated; correct?

21 A. I believe we did a pretty thorough interview with  
22 him at the scene. And due to the fact that we corroborated  
23 his alibi by cell phone, and we could do that in the next few  
24 days, I wasn't too concerned.

25 Q. But you didn't do it that night?



1 A. No.

2 Q. Okay. Now, on July 3rd at the end of the day, the  
3 police left the scene. All the work was completed. The  
4 doors were locked, and the police left; correct? The scene  
5 was cleared?

6 A. Yes.

7 Q. Is that what the police call it? You "clear" the  
8 scene?

9 A. Yes.

10 Q. And there's a time log, and the scene was cleared.  
11 The last person left?

12 A. I believe so.

13 Q. Okay. But you know that Mr. Knapp went into the  
14 house after that?

15 A. I believe he did.

16 Q. Yeah. He went in there -- he said he went in  
17 there to do a couple of things; right?

18 A. I believe he said he was putting the mail away  
19 that came.

20 Q. Yeah. And he was feeding the dogs; correct?

21 A. I believe we had taken the dogs to a neighbor's  
22 home. I'm not sure the dogs were there still.

23 Q. Okay. And another neighbor was going in and out  
24 to feed the cat; correct?

25 A. I don't remember.

1 Q. Okay. How did Mr. Knapp get into the house? Did  
2 he have keys?

3 A. I believe so, yes.

4 Q. Okay. Were the doors left open?

5 A. Not when we left.

6 Q. But Mr. Knapp was going back and forth. So he was  
7 there the evening of the 3rd, all day on the 4th, and then  
8 the police come back on the 5th; correct? On Saturday the  
9 5th, with another search warrant; correct?

10 A. I believe it was the 5th and the 6th, too.

11 Q. Yeah. And the 8th; correct?

12 A. Yes.

13 Q. Okay. So Mr. Knapp had access to the house,  
14 apparently, from the evening of the 3rd until sometime on the  
15 5th; correct? Without any law enforcement supervision?

16 A. Right.

17 Q. One of the things he told you he did was to take a  
18 blanket and put it over the blood we've seen in the room  
19 where Carol died; correct?

20 A. I don't remember that.

21 Q. You don't remember him saying he put a blanket  
22 there because he didn't want the girls to see the blood?

23 A. I do remember something like that, but I don't  
24 know if it was a blanket.

25 Q. But you went back several more times to do more

1 evidence collection. Putting a blanket on the blood was a  
2 big problem for that scene; wasn't it?

3 A. We didn't collect anything underneath from that  
4 area anymore.

5 Q. Did you ever see the blanket?

6 A. I don't remember the blanket.

7 Q. Do you know what else Mr. Knapp did? He told you  
8 he put the blanket in. Mr. Knapp do anything else in the  
9 house?

10 A. Not that I can remember.

11 Q. Do you know whether he removed anything in the  
12 house or moved anything in the house?

13 A. The only thing I can remember is the mail.

14 Q. Where was Carol's purse that night?

15 A. I believe it was on the counter.

16 Q. That's where it was found? It wasn't ever in  
17 Mr. Knapp's guest house?

18 A. No.

19 Q. You certain about that?

20 A. Not that I can remember, no.

21 Q. Okay. Okay. Now, after the police left on the  
22 5th until somebody came back on the 6th, there was a period  
23 of time when Mr. Knapp had access to the house with no law  
24 enforcement around; correct?

25 A. Yes.

1 Q. And then after the 6th until the 8th, Mr. Knapp  
2 had access to the house; correct?

3 A. True.

4 Q. And then the last time the police were there on  
5 police business was on July 8th, 2008; correct?

6 A. I believe so.

7 Q. So in those intervening periods of time, Mr. Knapp  
8 had access to the house; correct?

9 A. Yes.

10 Q. Anybody else?

11 A. Not that I know of.

12 Q. Do you know when Mr. DeMocker first got into the  
13 house?

14 A. No, I don't.

15 Q. Did you see Mr. DeMocker at the house between the  
16 3rd of July and the 8th of July at any time?

17 A. No.

18 Q. Did Mr. Knapp say that he had seen Mr. DeMocker  
19 during that period of time?

20 A. I don't think I asked him that.

21 Q. Is it possible that Mr. Knapp unscrewed those  
22 light bulbs?

23 A. It's possible.

24 Q. The purpose of unscrewing the light bulbs was so  
25 that somebody could hide in the laundry room?

1 A. I believe so.

2 Q. Are you sure about that?

3 A. Yes.

4 Q. You're sure that somebody unscrewed the light  
5 bulbs so they could hide in the laundry room?

6 A. That's my belief, yes.

7 Q. That's your belief. And so -- let me see how that  
8 adds up. So, that would be Steve?

9 A. Yes.

10 Q. Okay. So Steve got into the house, and he  
11 unscrewed the light bulbs and hid in the laundry room;  
12 correct?

13 A. Yes.

14 Q. Okay. And were you in that laundry room at 7:45,  
15 8:00 in the evening?

16 A. When?

17 Q. Between July 3 and July 8?

18 A. I was in that room several times.

19 Q. Between 7:45 and 8:00, was it dark enough in there  
20 that a person could be in that laundry room and would not be  
21 seen?

22 A. It is possible, yes.

23 Q. There are two sky lights in that hallway down  
24 there that emit quite a bit of natural light from the  
25 outside; correct?

1 A. Not in that room, no.

2 Q. Did you do any testing or measurements?

3 A. No.

4 Q. Now, so Steve is hiding in the laundry room. Does  
5 he have anything with him?

6 A. I don't know.

7 Q. At some point you think he gets a golf club?

8 A. Yes.

9 Q. Okay. Where's the golf club?

10 A. It was there already.

11 Q. Where?

12 A. From the information we received, the golf club  
13 was there already for the yard sale.

14 Q. Where?

15 A. Somewhere in the house or somewhere in the garage.

16 Q. Okay. And how would Mr. DeMocker know where it  
17 was?

18 A. What's that?

19 Q. How would Mr. DeMocker know where it was?

20 A. Because he brought it.

21 Q. He didn't bring the golf club to the house; did  
22 he?

23 A. Don't know.

24 Q. Okay. So your theory requires Mr. DeMocker to  
25 know where the golf club was? First it requires the golf

1 club to be in the house; correct?

2 A. Right.

3 Q. Do you have one witness that says they saw the  
4 golf club at Carol's house? One single witness?

5 A. No.

6 Q. Okay. And you don't know where in the house the  
7 golf club was; correct?

8 A. No. She did have some items that she was getting  
9 ready for the yard sale. And she had some little red  
10 stickers, you know, for prices, and they were by that door --  
11 the north door that you mentioned that goes to the garage.  
12 She had some stuff there. Could have been there.

13 Q. Could have been. Could have been in the garage?  
14 Could have been in the guest house?

15 A. Could have been.

16 Q. Could it have been in the loft?

17 A. Could have been.

18 Q. Could it not have been there at all?

19 A. From the information I got is that a golf club  
20 made it from there, from his home, to Miss Kennedy's.

21 Q. Sometime before, but no one saw it again, ever,  
22 that you've been able to find?

23 A. Right.

24 Q. At the house; correct?

25 A. Right.

1 Q. Okay. So you are just guessing that a golf club  
2 was still there on the night of July 2nd; correct?

3 A. Yes.

4 Q. Okay. And you think that Mr. DeMocker -- did  
5 Mr. DeMocker think about the golf club before he got to the  
6 house? I'm going to go find that golf club, and that's what  
7 I'm going to use to kill Carol?

8 A. I don't know. You've got to ask him.

9 Q. You think of all the objects in the house,  
10 Mr. DeMocker picked the golf club out to kill Carol with?  
11 That he scanned the house and he said, that's it, I'm going  
12 to use the golf club?

13 A. Based on the injuries that Miss Kennedy had, it  
14 was a golf club.

15 Q. Okay. So he had to get in the house, find the  
16 golf club, go in the laundry room, unscrew the light bulbs  
17 and wait; correct?

18 A. Yes.

19 Q. Okay. And that's what you think he did?

20 A. I believe so.

21 Q. Okay. So he's not there to talk about the X-3,  
22 and he's not there to talk about money; correct? He's there  
23 crouched in the laundry room with the golf club and unscrewed  
24 the light bulbs. That's your theory?

25 A. That's one possible theory, yes.



1           Q.     Okay. Well, so that's one possible theory. I'm  
2 seeing that as being very different than he went there to  
3 talk to Carol about money and to pick up Katie's car. Do you  
4 see that those are two extremely different theories?

5           A.     I have investigated many cases where the theory  
6 sometimes doesn't match, and people do strange things for  
7 strange reasons. And I cannot explain to you what his  
8 reasons were.

9           Q.     Okay. Well, I think it's important for us to  
10 understand what your investigation shows in this case.

11                     Okay. Let's first focus on the Steve  
12 goes there to talk about money and the car story. Your  
13 support for that are these text messages that we've seen;  
14 correct? Where he's talking about money and he's talking  
15 about the car. And your belief is that those text messages  
16 create some sort of an agreement or understanding between  
17 them that Steve will come over that night to her house;  
18 correct?

19           A.     They were trying to make an agreement.

20           Q.     Okay. And so you can't discount the possibility  
21 that Steve went over there that night simply to talk to  
22 Carol, and they got into an argument, and in the course of  
23 that argument killed her. That's in your mind as a theory;  
24 correct?

25           A.     That's one possible theory.

1           Q.     Okay. And then there's an intermediate theory  
2 where he's thinking about killing her, but he wants to see  
3 how it goes. So he goes over to talk to her, but he's still  
4 kind of thinking that he's going to kill her no matter what  
5 happens? Is that a theory?

6           A.     I didn't mention that.

7           Q.     Okay. And the other completely different theory,  
8 which is this: Ride the bicycle over the fence through the  
9 woods. Go through the barbed wire fence. Get the golf club.  
10 Hide in the laundry room, and then attack her as she's coming  
11 down the hall. Is that what happened?

12          A.     That's possible, yes.

13          Q.     Okay. And attack her while she's talking on the  
14 phone to her mother?

15          A.     I believe so.

16          Q.     Okay. So you believe that the operative theory is  
17 that Steve DeMocker leaps out of the laundry room as Carol  
18 goes by, while she's talking on the phone, and attacks her  
19 just out of the blue?

20          A.     That's possible.

21          Q.     Just out of the blue?

22          A.     That's possible, sir. I don't know what your  
23 client was thinking.

24          Q.     Well, here we are. It's the trial, and these good  
25 people will have to decide whether the State has proved the

1 case against Steve DeMocker beyond a reasonable doubt. So I  
2 would submit, sir, that it is time to figure out what  
3 happened. And I'm asking you, the first person to really  
4 grab hold of this investigation, about your theory of what  
5 happened in this case? That's what I'm asking you.

6 A. My theory is that I bring the facts. I have  
7 provided all the facts to the Court so this jury can  
8 determine from those facts what happened. That's all I can  
9 do.

10 Q. Okay. Do you understand that those facts have to  
11 on some level make sense? That there has to be some -- there  
12 has to be some connection between facts?

13 A. I believe they do.

14 Q. Okay. All right.

15 So let's analyze the facts. The facts in  
16 support of the theory that Steve went over there for a benign  
17 purpose to talk to Carol, maybe to even argue with Carol. I  
18 mean, these people have been arguing for many years; right?

19 A. Yes.

20 Q. Okay. To go over and argue with Carol about  
21 money. Okay. He goes over there to do that. There's an  
22 argument and he kills her. Does he get the golf club to kill  
23 her?

24 A. Again, sir, I don't know what he did. All I know  
25 is the injuries to Miss Kennedy were consistent with a golf

1 club.

2 Q. I understand that. But I'm just trying to figure  
3 out how he came to be attacking her with a golf club? And  
4 we're talking about a theory now that has him going over to  
5 the house to talk to her about money and then something  
6 happening and him killing her. You said that he killed her  
7 with a golf club; correct? So he had to get the golf club?

8 A. You are asking me to speculate.

9 Q. I am asking you what your investigation shows?

10 A. Sir, I can only bring the facts to the Court, and  
11 that's what I can present.

12 Q. Okay. In the theory that you have that says that  
13 Steve went over there to kill Carol, and an argument ensued,  
14 and in the heated passion of the argument he killed her. Is  
15 she talking on the telephone to her mother while they are  
16 arguing?

17 MR. BUTNER: Objection. Misstates the prior  
18 evidence, Judge. Misstates the witness's earlier testimony.  
19 Assumes facts not in evidence. It's also argumentative.

20 THE COURT: Sustained.

21 MR. SEARS: Let me see if I can ask this in  
22 another way.

23 Q. Do you have any theory of this case, based on your  
24 investigation, that does not have Carol Kennedy talking to  
25 her mother on the phone when she's attacked?

1           A.     She was on the phone due to the fact that she  
2     said, "oh, no." Whether that "oh, no" was in fear, or "oh,  
3     no" this is happening again. I don't know.

4           Q.     You know that Ruth Kennedy said three different  
5     times to dispatch that Carol screamed and said, "oh, no."  
6     You know that she says that; right?

7           A.     Correct.

8           Q.     You've listened to those recordings; correct?

9           A.     Not those.

10          Q.     You have not listened to the 911 calls?

11          A.     No.

12          Q.     Really? You're investigating this homicide that  
13     begins with a 911 call, and you didn't take the time to  
14     listen to it?

15          A.     I believe I read the transcript.

16          Q.     Okay. She says in the transcript that Carol  
17     screamed three times?

18          A.     Yes.

19          Q.     Okay. And you've not ever talked to Ruth Kennedy  
20     yourself; correct?

21          A.     No.

22          Q.     Okay. Now, let's focus on the idea that based on  
23     these text messages you said, "Mr. DeMocker went over to the  
24     house to talk to Carol." Apparently, that's a possibility  
25     that you cannot rule out; correct?

1 A. True.

2 Q. Okay. Do you believe that he went over there to  
3 talk to her by riding his bicycle, hiding it in the bushes,  
4 climbing through the fence and hiding in the house? Is that  
5 how he went there to talk to her?

6 A. That's one possibility.

7 Q. Is another possibility that he simply drove up and  
8 came in the front door?

9 A. That's possible, but based on what I have at the  
10 scene, that someone entered and left through that back area,  
11 I have to go with what I have.

12 Q. Okay. Can you rule out the possibility that  
13 Mr. DeMocker just drove up and went through the front door?

14 A. No. He never said that.

15 Q. Well, he said he wasn't there?

16 A. Right.

17 Q. At all?

18 A. Right.

19 Q. So I'm just saying from the evidence at the scene,  
20 can you rule out that possibility?

21 A. I have no evidence that shows that he drove up  
22 there.

23 Q. Okay. So in your theory, Mr. DeMocker went to  
24 talk to her, but he went to the house in the way that you  
25 described by going to a different street on his bicycle and

1     hiding his bike and coming through and climbing over the  
2     fence, not going over this horizontal slatted device?

3             A.     That's what the evidence shows.

4             Q.     Okay. Then when he got to the house, did he have  
5     a conversation with Carol?

6             A.     Again, sir, I don't know.

7             Q.     You don't have any evidence to support the idea  
8     that Carol said Steve's name out loud?

9             A.     No.

10            Q.     You would think that Ruth Kennedy would remember  
11     that if Carol had said, "oh, no, Steve?"

12            A.     True.

13            Q.     What she said was she screamed and said, "oh, no?"

14            A.     Correct.

15            Q.     That's what she said three times?

16            A.     Correct.

17            Q.     Okay. Where was she when she said that?

18            A.     Again, that would be difficult to determine.

19            Q.     Why?

20            A.     There is a cordless phone. You can roam around  
21     the house.

22            Q.     Okay. Was she attacked in the hallway?

23            A.     Don't know, sir.

24            Q.     Was she attacked in the kitchen?

25            A.     Don't know.

1 Q. Did she run for her life?

2 A. Again, I would just be speculating.

3 Q. Did somebody come out of the master bedroom to  
4 attack her?

5 A. Anything is possible.

6 Q. Were there more than one person? Did Mr. DeMocker  
7 have an accomplice?

8 A. Don't know. Based on the evidence that I have,  
9 there was one person in, one person out.

10 Q. Okay. Let's talk about the phone she was talking  
11 on. Okay. It's a cordless phone; right?

12 A. Right.

13 Q. So that's essentially a landline? It's not a cell  
14 phone? It has a base unit; correct?

15 A. Right.

16 Q. Where was the base unit for the phone she was  
17 talking on?

18 A. I believe there was two. One that was in the  
19 kitchen area, and I don't remember where the other one was  
20 at.

21 Q. Which one was empty?

22 A. It was the one in the kitchen area.

23 Q. Is there a picture of it?

24 A. I'm sure there is.

25 Q. Just can't remember?



1 A. Just can't remember.

2 Q. Okay. You have some understanding that her mother  
3 thought, while they were talking, at some point Carol was at  
4 the sink making a salad, talking on the phone?

5 A. I believe that's what I read, yes.

6 Q. Okay. And there was some physical evidence.  
7 There was some indication that she had been making salad.  
8 There was some salad materials in the area of the sink;  
9 correct?

10 A. Correct.

11 Q. You saw those?

12 A. Yes.

13 Q. Okay. And Ruth Kennedy thought she heard water  
14 running?

15 A. I believe so, yes.

16 Q. Okay. And that means that Carol was either  
17 washing her hands, or washing the salad, or both; correct?

18 A. Don't know.

19 Q. Quite likely.

20 And Carol winds up at the other end of  
21 the house in Charlotte's old room on the floor dead; correct?

22 A. Right.

23 Q. Okay. And the phone she was talking on is near  
24 the body. You've seen pictures of it; correct?

25 A. Right.

1 Q. And tell me about the condition of the phone when  
2 you examine it? Was it on?

3 A. I don't think so.

4 Q. How do you know that?

5 A. I know we took all the phones, but I don't believe  
6 it was on.

7 Q. Did anybody pick up the phone to see if there was  
8 a dial tone?

9 A. I'm sure we did.

10 Q. Do you remember doing that?

11 A. I did not.

12 Q. Do you remember a single police report in which  
13 anybody says, "anybody" being anybody from law enforcement,  
14 says they picked up the phone and examined it?

15 A. I believe it might have been Doug Brown.

16 Q. Well, I will add that to the questions for  
17 Detective Brown.

18 You didn't?

19 A. I did not.

20 Q. Okay. Was the phone placed into the scene as part  
21 of the staging?

22 A. That is possible.

23 Q. Didn't have a lot of blood on it; correct?

24 A. Not that I can remember.

25 Q. Didn't have Steve's blood on it; did it?

1 A. Not that I can remember.

2 Q. Didn't have Steve's fingerprints on it; did it?

3 A. No.

4 Q. Did it have Mr. 603's blood or fingerprints on it?

5 A. I don't think so.

6 Q. Who turned the phone off if it was off?

7 A. I don't know.

8 Q. If Carol said, "oh, no" and screamed, is it your  
9 belief that she also then turned the phone off disconnecting  
10 the call with her mother?

11 A. Don't know. Again, you ask me to speculate. I  
12 don't know.

13 Q. You just don't know anything about the condition  
14 of the phone; correct?

15 A. I know it was on the floor.

16 Q. And it was not in its base unit; correct? You  
17 know that?

18 A. Correct.

19 Q. Okay. I stand corrected.

20 Did anyone at your instruction or  
21 direction make any examination of that cordless phone at the  
22 scene, if you can recall, that night on July 2nd?

23 A. I'm sorry, I just don't remember if I had anybody  
24 do that.

25 Q. Do you know how the phone call to Ruth Kennedy was

1 terminated? Did Ruth Kennedy hang up first?

2 A. I believe Ruth Kennedy stated that after she said,  
3 "oh, no," the phone just went dead.

4 Q. It's your belief; isn't it, though, that if  
5 Carol's end of the call had been hung up first, either by  
6 Carol or by somebody else, Ruth Kennedy would have gotten a  
7 dial tone on her end; right?

8 A. I believe she said she tried calling back and it  
9 just rang and rang.

10 Q. Okay. Does that phone have an answering machine?

11 A. I believe it does.

12 Q. Okay. Well, that wouldn't make any sense. If the  
13 phone was dead on Carol's end, it would have gone to  
14 voicemail or the answering machine; wouldn't it? When I say  
15 "answering machine," I mean a mechanical answering machine as  
16 opposed to voicemail. Do you know the difference?

17 A. I believe voicemail goes into the -- for example,  
18 Qwest, into their bank.

19 Q. By the service provider?

20 A. Right. Or by "mechanical," you mean the actual  
21 device on the counter?

22 Q. Yeah. Like Mr. DeMocker had at Alpine Meadows.  
23 He had an answering machine on his kitchen counter; didn't  
24 he?

25 A. I don't remember.

1 MR. SEARS: We'll talk about that.

2 This might be a good time to take an  
3 afternoon break.

4 THE COURT: Thank you.

5 Ladies and gentlemen, please remember the  
6 admonition. Please be reassembled at three o'clock. We will  
7 start as soon as we can. That is in 15 minutes.

8 (Whereupon, the jury exits the courtroom.)

9 (Brief recess.)

10 (Whereupon, the jury enters the courtroom.)

11 THE COURT: The record will show the presence  
12 of the Defendant, the attorneys for the defense and the  
13 State, and the jury has returned as well.

14 Sergeant Huante has resumed the stand  
15 under oath.

16 Mr. Sears, you may continue when you are  
17 ready.

18 MR. SEARS: Thank you.

19 CROSS-EXAMINATION RESUMED

20 BY MR. SEARS:

21 Q. Sergeant, going back to Mr. Jim Knapp a bit more.  
22 Let's talk about what other investigation might have been  
23 done that was done the night of July 2nd, 2008.

24 Tell me about the search of the guest  
25 house that was conducted that night.

1           A.     I believe I entered it briefly when he was going  
2 to ask -- he asked for his medicines. I think he -- I'm not  
3 sure if it was Mark Boan who escorted him, and I was there,  
4 too. And at sometime later on that day, other detectives  
5 entered that room.

6           Q.     I'm sorry, I couldn't hear the last part of the  
7 answer.

8           A.     Other detectives entered that room.

9           Q.     Went into the guest house?

10          A.     Yes.

11          Q.     Who?

12          A.     I believe it was Shonna Willingham and possibly --  
13 I'm not definite on Alex Jaramillo.

14          Q.     Did Captain Rhodes go in?

15          A.     I don't remember.

16          Q.     Okay. When you say, "that after," that would have  
17 been sometime on July 3rd after you came back to the scene?

18          A.     Yes.

19          Q.     Do you know if any search of any significance was  
20 conducted of the interior of the guest house on the night of  
21 July 2nd or the very early morning hours of July 3rd?

22          A.     I believe Sergeant Acton and her group went in  
23 there to search for possible -- for a body, if someone was,  
24 you know, if someone was hiding.

25          Q.     Okay. We've heard from all of those people,

1 including Sergeant Acton, about what they did, and in  
2 essence, they described it as "clearing" that residence?

3 A. Right.

4 Q. To make sure there was no one hurt or no one  
5 hiding in there. That's what "clearing" a residence means;  
6 right?

7 A. Right.

8 Q. And that's different than a search; isn't it?

9 A. To some extent.

10 Q. Okay. Well, we're going to talk soon about the  
11 search that was done on Mr. DeMocker's residence, and his  
12 office, and his cars. And when I'm thinking of search, I'm  
13 thinking of a detailed search where things are gone through.  
14 That wasn't done on July 2nd or July 3rd with respect to the  
15 guest house?

16 A. We did not search like open drawers and stuff like  
17 that, no.

18 Q. Okay. Now, in the guest house, the one part of  
19 it, the part on the west end is actually a garage; isn't it?

20 A. I believe so, yes.

21 Q. Okay. And the garage has a loft in it. There's  
22 some stairs inside the car garage, wooden stairs that go up  
23 to a little loft, a partial loft, inside the garage; correct?

24 A. I think so.

25 Q. Okay. And then at the other end, which would be

1 the east end of that structure, there's a small living area.  
2 There's a little efficiency apartment; correct?

3 A. Yes.

4 Q. Okay. That has a place for basically one or two  
5 people to live; correct?

6 A. Yes.

7 Q. And that's where Mr. Knapp said he was living;  
8 correct?

9 A. Right.

10 Q. All right. And neither his residence nor the  
11 garage part were ever carefully searched in the way that the  
12 house was searched, the main house was searched; correct?

13 A. We didn't search the house either that night. Not  
14 that detail.

15 Q. Okay. In the house, there was certainly a  
16 concerted effort, that you've described for us, to look for  
17 biological evidence. You had Yavapai County Sheriff's Office  
18 criminalists, evidence technicians, and you had D.P.S.  
19 criminalists eventually on scene looking for biological  
20 evidence; correct?

21 A. The following day, yes.

22 Q. Did any of those people go into the guest house  
23 looking for biological evidence?

24 A. I don't think so.

25 Q. And did anyone that night, either at your



1 direction or to your knowledge, carefully examine Mr. Knapp?  
2 For example, look at the soles of his shoes to see if he had  
3 blood or other materials on the soles of his shoes?

4 A. I was there when Doug Brown was speaking with him.  
5 I believe he allowed us to look in his vehicle, and also they  
6 examined what he was wearing, if he had any type of injuries  
7 or anything like that.

8 Q. How about the soles of his shoes?

9 A. I don't know if Mark Boan did that or Doug Brown,  
10 but I did not.

11 Q. You did not. And have you seen any police report  
12 that indicated that anyone looked, for example, at  
13 Mr. Knapp's shoes? Was he wearing shoes?

14 A. Might have been wearing sandals.

15 Q. Maybe flip-flops?

16 A. I am trying to remember. I think so. I'm not  
17 positive.

18 Q. He had a vanity plate on his truck; right?

19 A. I don't remember.

20 Q. You don't remember "Stokage"? Do you even know  
21 what that means?

22 A. No.

23 Q. Okay. You're not a surfer?

24 A. No.

25 Q. Okay. Do you think Mr. Knapp was?

1 A. Yeah, I did see surfboards in his apartment.

2 Q. He was wearing a Hawaiian surf shop shirt that  
3 night?

4 A. I don't remember.

5 Q. Okay. Did you learn later in your investigation  
6 of Mr. Knapp that he was very much taken with Hawaii and with  
7 surfing?

8 A. Based on the items that I saw, it looked like he  
9 liked Hawaii or something like that.

10 Q. And from his e-mails, he had a Hawaiian pet name  
11 for Carol Kennedy?

12 A. I believe so, yes.

13 Q. Okay. And for himself, "Kimo"?

14 A. Yes.

15 Q. Which is a Hawaiian nickname for people named  
16 James or Jimmy?

17 A. Right. I don't know that.

18 Q. Okay. And so he called himself Kimo?

19 A. I believe so.

20 Q. And in the garage -- we have seen some  
21 photographs -- here's some photographs of that garage area --  
22 that garage was full of items; right? Boxes and other things  
23 in that garage area; correct?

24 A. Yeah. It was a storage room.

25 Q. I am talking about the garage and guest house.

1 A. The garage and guest house?

2 Q. Yes.

3 A. Yes. It looked like a storage room.

4 Q. Okay. And no search was made looking for weapons  
5 or bloody clothing or contraband in that garage of any  
6 consequence?

7 A. I believe someone did. I just don't remember who.

8 Q. Okay. Have you ever seen a report?

9 A. I read many reports. To be honest with you, it  
10 was over 160 reports that I read the last time.

11 Q. We know. We're aware. Okay. So you just don't  
12 remember?

13 A. I don't remember.

14 Q. Okay. Were any -- do you believe that a search  
15 warrant would have been necessary to search Mr. Knapp's  
16 residence?

17 A. I don't think so. He would have allowed us to  
18 look in there.

19 Q. Did he?

20 A. I don't think we asked him. We had a search  
21 warrant.

22 Q. You had a search warrant for Bridle Path  
23 including --

24 A. For the entire property.

25 Q. -- including the guest house?

1 A. Yes.

2 Q. Okay. So you don't think you needed a separate  
3 search warrant to search his premises?

4 A. No.

5 Q. Okay. When you got the search warrant, you knew  
6 that he lived in the guest house; correct?

7 A. Right.

8 Q. And nothing was seized whatsoever out of the guest  
9 house; correct? Not one single item pursuant to the search  
10 warrant?

11 A. I don't think so.

12 Q. Okay. Mr. Knapp had a computer?

13 A. I believe so, yes.

14 Q. Okay. His computer wasn't seized; correct?

15 A. No.

16 Q. Mr. Knapp had a cell phone, which you said was  
17 part of his alibi. That wasn't seized either; correct?

18 A. Right.

19 Q. Okay. Mr. Knapp had, presumably, bank accounts  
20 and bank records. At that time in early July, 2008, none of  
21 his bank records were seized or subpoenaed; correct?

22 A. Nothing led me in that direction.

23 Q. Okay. That's the reason? You just didn't think  
24 Mr. Knapp had anything to do with this?

25 A. I did not have any evidence to prove otherwise.

1 Q. Okay. So Mr. Knapp was treated how? He wasn't a  
2 suspect. What was he?

3 A. He was a close personal friend of Carol Kennedy,  
4 and I was hoping to get as much information from him as I  
5 could.

6 Q. Have you ever heard Captain Rhodes say, regarding  
7 criminal investigations, that you always start from the  
8 inside out?

9 A. I think you asked me that already.

10 Q. Yeah. And it's been so long I'm afraid I've lost  
11 your answer.

12 A. No. I have not heard him say that to me.

13 Q. We talked about that. I do now remember that we  
14 talked about that. And surely Mr. Knapp had to be considered  
15 by you to be somebody on the inside. He lives 30 to 40 feet  
16 away from the place where a woman was found murdered;  
17 correct?

18 A. I want to speak to everybody that she knows.

19 Q. Right. Right. And so he's a person of some  
20 serious focus early on in the investigation?

21 A. Yes. Yes, to some degree.

22 Q. And Mr. Knapp behaved oddly for a period of time  
23 after the murder. You're aware of that?

24 A. I believe I heard about some e-mails or something  
25 to that effect.

1 Q. Right. You saw those e-mails; didn't you?  
2 E-mails where he made threatening comments towards  
3 Mr. DeMocker?

4 A. I don't remember if I saw them. I heard about  
5 them, but I don't think I saw them.

6 Q. Those e-mails were sent to his daughters, Katie  
7 and Charlotte?

8 A. Yes.

9 Q. They were threatening e-mails from Mr. Knapp?

10 A. I'm not sure if they were threatening. I did not  
11 read them. I heard about them.

12 Q. Do you remember the -- and you'll have to pardon  
13 my language here folks -- an e-mail where Mr. Knapp said  
14 regarding Mr. DeMocker, "bring it on, asshole"?

15 A. No. I don't remember that.

16 Q. You don't remember that one?

17 A. No.

18 Q. Okay. And were you aware that over the next few  
19 months Mr. DeMocker -- I'm sorry, Mr. Knapp was making  
20 demands on the estate of Carol Kennedy for money?

21 A. I did not know that.

22 Q. Don't know that today?

23 A. First time I've heard it.

24 Q. Okay. And did you have some sense in your  
25 investigation of how Mr. Knapp was supporting himself?

1           A.     I believe he was unemployed. He said that he had  
2 just been fired from his work.

3           Q.     Okay. Do you have some indication that Mr. Knapp  
4 had some issues with cancer?

5           A.     He told us that he had stage four melanoma cancer.

6           Q.     Okay. But he didn't die of cancer; did he?

7           A.     I don't believe so.

8           Q.     Okay. And are you aware that towards the end of  
9 his life Mr. Knapp was telling people that he was cancer  
10 free?

11          A.     No.

12          Q.     That's news to you?

13          A.     Yes.

14          Q.     Okay. And Mr. Knapp died in early January of  
15 2009; correct?

16          A.     I'm not sure on the date.

17          Q.     Okay. We know that he was found with a gunshot  
18 wound in another part of Prescott; correct?

19          A.     Yes.

20          Q.     Okay. Did you investigate that at all?

21          A.     That was in Prescott P.D.'s jurisdiction in the  
22 City of Prescott.

23          Q.     Okay. Did the sheriff's department have any  
24 involvement in that investigation?

25          A.     We asked them to please conduct a thorough

1 investigation due to the fact that he was somehow connected  
2 to this.

3 Q. And he's found shot to death in a residence in  
4 Prescott. That's certainly something that would be of  
5 interest to the sheriff's department in this investigation;  
6 correct?

7 A. Yes.

8 Q. Now, Mr. DeMocker was in jail then, so it's  
9 unlikely that Mr. DeMocker shot Mr. Knapp; correct?

10 A. True. It was determined it was self-inflicted.

11 Q. Okay. That's the medical examiner's report, but  
12 you weren't part of that investigation?

13 A. No, I was not.

14 Q. Okay. Did you meet with detectives from the  
15 Prescott Police Department? Particularly Detective Norm  
16 Peterson?

17 A. No, I don't believe I did. I think I spoke with  
18 Detective Ryan Hobbs.

19 Q. Bill Hobbs?

20 A. No. Ryan Hobbs.

21 Q. You talked -- Ryan Hobbs is Bill Hobbs' son;  
22 correct?

23 A. Right.

24 Q. Okay. And we'll hear from Bill Hobbs here, who is  
25 connected to this case; correct?



1 A. Yes.

2 Q. Okay. Now -- and so that was your involvement.  
3 You talked to Prescott police detectives about their  
4 investigation. There was no independent investigation  
5 conducted by the sheriff's office?

6 A. No. We were interested in what was in Mr. Knapp's  
7 computer.

8 Q. Okay. Eventually Mr. Knapp's computer was  
9 obtained?

10 A. Yes.

11 Q. Okay. And sent to the D.P.S. crime lab for  
12 analysis?

13 A. Correct.

14 Q. And it contained something like 51,000 e-mails?

15 A. I don't remember on that one.

16 Q. Very likely he was a prolific e-mailer?

17 A. I assume so.

18 Q. Okay. And eventually Carol's computer was taken  
19 and analyzed; correct?

20 A. Yes.

21 Q. And then -- we'll talk about -- Steve's computers  
22 and other devices were taken and analyzed; correct?

23 A. Yes.

24 Q. And when was Mr. Knapp's computer obtained? It  
25 was after he died; right?

1 A. Yes.

2 Q. Because the Prescott Police Department took it?

3 A. I believe they had it in custody, yes.

4 Q. Okay. The Yavapai County Sheriff's Office between  
5 July 2nd, 2008, when Carol died and January of 2009 when  
6 Mr. Knapp died, had made no move to get Mr. Knapp's computer?

7 A. I had no reason to.

8 Q. Okay. Let's go back to the story of what happened  
9 in the house that night. I think when we left off on that  
10 story, we were talking about various theories about why and  
11 how and under what circumstances you believe Mr. DeMocker got  
12 into the house. I believe you told us that you thought the  
13 evidence was that one person came into the house and that  
14 same person left?

15 A. Yes.

16 Q. And there's no evidence of other people; correct?

17 A. Correct.

18 Q. Okay. And that's presuming that the evidence of  
19 people coming are the bicycle tracks and the shoe prints that  
20 come around the back of the property to the open land;  
21 correct?

22 A. That is the evidence.

23 Q. Other people could have come through the front  
24 door. That wasn't being investigated?

25 A. I had no indication of that or evidence to show

1 it.

2 Q. Meaning you had not evaluated or photographed or  
3 otherwise preserved shoe print or tire evidence from the  
4 front of the house; correct?

5 A. No. I did not see any evidence like that there.

6 Q. Okay. So there was nothing to document?

7 A. Right.

8 Q. Now, inside the house, I think you've told us  
9 pretty clearly that you really don't have any sense of where  
10 Carol was or how she was moving inside the house until she  
11 wound up where we've seen in the pictures, on the floor in  
12 that awful, bloody, room; correct?

13 A. Correct, sir. I would just be speculating.

14 Q. Okay. You talked a number of times about the  
15 scene being staged, and that one of your theories is that  
16 it's not some random crime because they wouldn't take the  
17 time to stage the scene?

18 A. That's correct.

19 Q. Okay. The staging of the scene, if I understand  
20 it, consists of the following: It consists of the ladder  
21 being placed over the doorway; correct? That's one part of  
22 it?

23 A. Right.

24 Q. And the bookshelves being knocked over; correct?

25 A. That's two.

1 Q. What else?

2 A. I believe Miss Kennedy herself was placed there.

3 Q. Was moved?

4 A. Right.

5 Q. And that's because of the large amount of blood  
6 near her stomach, or abdomen, when there's no corresponding  
7 wound; correct?

8 A. Correct.

9 Q. So she was moved at some point? Okay --

10 A. And also her legs have some sort of striations, or  
11 it appears the blood on her leg, that it's smeared, which  
12 indicates to me that she was moved.

13 Q. Dragged?

14 A. Right.

15 Q. Okay. Now, when you and Detective Brown were  
16 talking to Mr. DeMocker, Detective Brown commented to him  
17 that based on the amount of blood in the room that it was his  
18 belief that whoever did this would have blood all over his  
19 clothes and all over him. That's your belief, too; right?

20 A. Not necessarily.

21 Q. So you disagree with Detective Brown on that?

22 A. To some degree.

23 Q. Okay. Do you think it was possible for somebody  
24 to commit this offense and have no blood of Carol's on them?

25 A. Yes.

1 Q. If they're wearing a bunny suit?

2 A. Correct.

3 Q. Okay. Coveralls, gloves? What else?

4 A. Overalls, sweatshirt, hooded sweatshirt.

5 Q. Okay. Now, let's take all those items. You've  
6 got gloves; right, and that would account for the lack of  
7 fingerprints?

8 A. Correct.

9 Q. Okay. And you've got -- and possibly touch DNA.  
10 And you've got coveralls, which would have whatever blood the  
11 person got from Carol on the coveralls; right?

12 A. Correct.

13 Q. And some kind of booties or something like that so  
14 that there's no blood on their feet; correct?

15 A. Or possible just shoes that they're going to  
16 discard.

17 Q. Okay. And the Tyvex bunny suit like we see on  
18 television, best of all, and they would have no blood,  
19 biological evidence on them; correct?

20 A. You can buy those type of suits, or they call them  
21 "painter's suits," at any hardware store.

22 Q. Okay. So let me see if I understand what you're  
23 saying. All of what we've just described, all of this  
24 protective clothing and all of this stuff, is an effort to  
25 explain the absence of evidence of Mr. DeMocker at the scene;

1 no fingerprints, no DNA, no blood. And the absence of  
2 Carol's blood on Mr. DeMocker; not on his clothes, not in his  
3 car, not at his house, not anyplace else.

4 So in order for those things to happen,  
5 for Mr. DeMocker not to be physically present at the scene  
6 and for Carol not to be physically present on Mr. DeMocker or  
7 anything he's around, something has to happen. He has to  
8 have some kind of other clothing; right?

9 A. Right.

10 Q. Okay. Did you find any records whatsoever that  
11 indicated Mr. DeMocker purchased any of those items? A  
12 receipt for one Tyvex bunny suit or one pair of men's  
13 coveralls?

14 A. No, but one thing that did stick out to me, or  
15 made me be more cautious, was the fact that Mr. DeMocker left  
16 his residence that night several times and never mentioned  
17 that to us.

18 Q. Was he asked about it?

19 A. Yes.

20 Q. In the interview?

21 A. He was asked once due to the fact that the first  
22 time we learned that he had left his residence was from his  
23 daughter and Jacob. And he -- during the first interview --  
24 he never mentioned that. We had to come back and ask him  
25 about that and that's when he told us about it, but he only

1 told us about once. There's two others times that he failed  
2 to tell us about leaving the residence.

3 Q. Okay. And you think that during those trips, he  
4 disposes of the bloody coveralls and the gloves and what  
5 else? The golf club?

6 A. Not that day.

7 Q. The La Sportiva shoes?

8 A. Possibly, yes.

9 Q. Okay. He's got to dispose of all of those things;  
10 correct?

11 A. Correct.

12 Q. Okay. Now, so he has to have those things with  
13 him when he comes to see Carol; right?

14 A. True.

15 Q. So he's coming to see Carol to talk about picking  
16 up Katie's BMW and about exchanging checks, and he brings  
17 with him coveralls, gloves, another pair of shoes, maybe this  
18 bunny suit. What else?

19 A. Whatever else he thinks he needs.

20 Q. And he's got them in a backpack? Duffle bag?

21 A. Could be.

22 Q. Okay. And he's got to bring those things on his  
23 bicycle from up on Rainmaker. He's got to now be riding down  
24 through that neighborhood out on Williamson Valley Road with  
25 what? With all this stuff in a backpack? In a suitcase?

1           A.     Whatever he decides to bring it in.

2           Q.     Okay. And none of this is recovered; right? Not  
3 the suitcase, backpack, shoes, gloves, coveralls, any bloody  
4 clothing, Tyvex bunny suit, ski mask? None of that's ever  
5 recovered?

6           A.     Correct. Just like the missing Sportiva shoes.

7           Q.     Right. And he's got to leave the house. After he  
8 kills Carol, you say he goes back out, he goes back over the  
9 fence, and goes back to his bicycle and rides his bicycle  
10 with a flat tire all the way out to Williamson Valley Road,  
11 down Williamson Valley Road and up the hill to Rainmaker to  
12 his car. And what does he do with all these items?

13          A.     I don't know. He takes them with him. He keeps  
14 them. He does something with them.

15          Q.     You searched the area -- let me show you 2337.  
16 Okay. That's clear as mud. Okay. Here's 2337. And let's  
17 do -- this is -- let me see the best way to look at this.  
18 Okay. This is north up. Okay. This is really getting sadly  
19 hard to see.

20                     Okay. Up here is Glenshandra. You can  
21 see Glenshandra come down. There's the fence and there's the  
22 gate; correct? See Glenshandra?

23          A.     Okay.

24          Q.     Okay. North is up. Here's the fence line and it  
25 comes down, and here's Carol Kennedy's house. Here's the



1 barn. Here's the garden. Here's the garage. Here's Knapp's  
2 guest house. Okay. Can you see that?

3 A. Okay.

4 Q. Okay. And so when he left, he went back out,  
5 according to your theory, out into the woods, got back up in  
6 here, got his bike, went back down this trail through the  
7 gate and back out Glenshandra. That's where he went;  
8 correct?

9 A. I don't believe so. I believe when the person  
10 left, they took a different route.

11 Q. When the person -- okay. Okay. That's a new one.

12 A. They did not follow the path that they took in.

13 Q. From where the bicycle was stashed?

14 A. Could I borrow your pointer?

15 Q. Absolutely.

16 A. From what I have been told, the individual who  
17 left, left the house from somewhere back here and their  
18 footprints were followed through here, and then through the  
19 brush to the bicycle.

20 Q. Yes. Right.

21 A. When they came in, they came in around this way.

22 Q. Right. I'm sorry if I misspoke myself. The  
23 person went back a slightly different route, but they went  
24 back to the bicycle that was stashed in the bush?

25 A. Yes.

1 Q. And then from where they picked up the bicycle,  
2 they retraced. They went back to the gate, through the gate,  
3 and back out Glenshandra?

4 A. Yes.

5 Q. That's what you're saying?

6 A. Yes.

7 Q. Okay. Now, a search was conducted using the Back  
8 Country Search Team, which you participated, of an area on  
9 the open land that went roughly east from the gate a  
10 distance, and down, and went south of the house at Bridle  
11 Path. A large rectangle was "line searched"; wasn't it?

12 A. Yes.

13 Q. Okay. And a "line search" is when you have people  
14 standing a certain distance apart and they just proceed  
15 ahead, looking straight ahead, at anything in their path;  
16 right? That's what a "line search" is?

17 A. Yes.

18 Q. And the line was a certain number of people wide.  
19 It went down this way, pivoted, went back up and covered that  
20 whole area?

21 A. Yes.

22 Q. And then you conducted some additional searches up  
23 in this area yourself? Some foot searches?

24 A. And past, towards the wash.

25 Q. Up north. Right. Okay. But you told us before

1 you didn't go much further east. This is thousands of open  
2 acres here. You didn't go way east; right?

3 A. Right. Based on the fact that whoever went there,  
4 you could only throw the weapon or items as far as you can  
5 throw them. I don't see them throwing them miles and miles  
6 away. So I searched in the vicinity where I believe that  
7 person would get rid of the stuff.

8 Q. Okay. And you found none of the items? You found  
9 no golf club, no La Sportiva shoes, no gloves, no bloody  
10 clothing, no coveralls, no Tyvex bunny suit, no ski mask, no  
11 nothing; correct?

12 A. Right.

13 Q. You found a piece of paper that wasn't connected  
14 with the case, and a piece of rebar that wasn't connected  
15 with the case? That's the sum total of what you found in  
16 that area?

17 A. Right.

18 Q. So presumably in your scenario, Mr. DeMocker  
19 carried all these items with him, didn't try to hide them in  
20 that area, and carried them back with him to his car; right?

21 A. I believe so.

22 Q. Okay. And then took them and hid them?

23 A. Or took them home with him.

24 Q. Okay. And hid them there?

25 A. That's possible.

1           Q.     Okay. Now a search was done, this same Back  
2 Country Team, after they were done doing this "line search"  
3 in this area also did a search on Glenshandra. They were  
4 looking on both sides of Glenshandra, walking along this road  
5 all the way out to Williamson Valley Road, the whole mile,  
6 looking on both sides of the road for anything; correct?

7           A.     I don't remember, sorry.

8           Q.     And then they turned when they got to Williamson  
9 Valley Road, they turned and went north all the way to the  
10 Williamson Valley trailhead looking in the bar ditch on both  
11 sides of the road for anything; correct?

12          A.     I believe so.

13          Q.     And meanwhile -- and this is the part that's  
14 always intriguing -- a search began of pit toilets, portable  
15 toilets, beginning with, I think, the toilet at the  
16 Williamson Valley trailhead?

17          A.     Yes. I did those.

18          Q.     That wasn't something you could delegate to one of  
19 the detectives?

20          A.     I wouldn't ask them to do something that I  
21 wouldn't do myself.

22          Q.     Well, I understand that as a management theory,  
23 but aren't there some points where you could just suspend  
24 that and say, "I'll watch your back here, you're going to  
25 tell me what you find?" No?

1 A. No, I didn't.

2 Q. How did you search?

3 A. I conducted -- I asked the owners who get -- let  
4 me see, let me go back -- they are owned by the Forest  
5 Service department and they hire JT Septic Tank. And I asked  
6 them if they were willing to clean them up, drain them for  
7 me, which they did.

8 Q. When?

9 A. I don't know exactly the date. I have a report  
10 somewhere stating that date. I also did the one on Granite  
11 Basin.

12 Q. Okay. So they started -- the first one was the  
13 pit toilet at the Williamson Valley trailhead; right?

14 A. Correct.

15 Q. Okay. And they came out -- and tell me in general  
16 terms how they did that?

17 A. They drain it. They have a giant vacuum and that  
18 drains it.

19 Q. Okay. And if there's something in there that  
20 doesn't belong, how do you -- if there's a golf club or a  
21 bunny suit or Jimmy Hoffa or something in there, how do you  
22 know?

23 A. Then you would have -- it would be --

24 Q. Do you see it go in the hose or --

25 A. It has a hose. It has water, and it cleans it.

1 Q. You don't go in the tank; right?

2 A. No.

3 Q. Okay. Okay. All right.

4 A. I'm crazy, not stupid.

5 Q. You're also a sheriff's deputy.

6 Okay. So what other public toilets were  
7 then searched over time besides this one on Williamson Valley  
8 trailhead?

9 A. The one on Granite Basin.

10 Q. Where's the one on Granite Basin?

11 A. By the Cayuse Trail.

12 Q. Okay. That would be at the end of what you think  
13 is Mr. DeMocker's bike ride?

14 A. Correct.

15 Q. Okay. And how was that done? Same way?

16 A. Same way.

17 Q. Okay. And any other public toilets?

18 A. Those are the only ones in the vicinity.

19 Q. How about construction toilets in the general  
20 vicinity of Mr. DeMocker's residence at Hassayampa? Were  
21 those searched?

22 A. I believe Investigator Jimmy Jarrell and Bill  
23 Hobbs that night drove around in the area and looked in  
24 construction dumps. I'm not sure if they did toilets.

25 Q. We'll have to ask them?

1 A. Yes.

2 Q. Okay. And they are retired police officers who  
3 work for the County Attorney now?

4 A. Yes.

5 Q. Okay. And so they were -- you say, "that night."  
6 It would be the night of July 2nd or 3rd they were at least  
7 looking in dumpsters?

8 A. 2nd or the 3rd, or morning of the 3rd.

9 Q. Okay. And that would include the dumpster near  
10 Mr. DeMocker's office?

11 A. I believe so.

12 Q. Okay. And what about things like water hazards on  
13 the golf course? Were those ever searched?

14 A. I believe we did. That was at a later date.

15 Q. Not too long before the trial started?

16 A. Right.

17 Q. We saw pictures in the newspaper?

18 A. I don't remember the date.

19 Q. That wasn't done when you were on the team, on the  
20 case?

21 A. No.

22 Q. Was it discussed?

23 A. I had discussed it with Detective McDormett a  
24 while back.

25 Q. Okay. There's a place that you might want to look

1 out on the golf course where Mr. DeMocker lived; correct?

2 A. Possible lakes, too.

3 Q. What other kinds of places were searched looking  
4 for where Mr. DeMocker might have hidden all these items?

5 A. Like I said, they were thinking about lakes, too,  
6 so I don't know if they were done or not.

7 Q. Okay. You didn't search any lakes?

8 A. No.

9 Q. There's a little lake, Granite Basin Lake, at the  
10 end of Granite Basin Lake Road and depending on the weather  
11 conditions, sometimes it's big, sometimes it's very small;  
12 correct?

13 A. Correct.

14 Q. Was that ever searched?

15 A. Don't know. We discussed that, but I don't know.

16 Q. Not between the murder and April?

17 A. Not while I was in charge of criminal  
18 investigations.

19 Q. Okay. And what other kinds of places were  
20 searched looking for things that Mr. DeMocker might have?  
21 Storage units?

22 A. I believe so.

23 I also rode my bicycle down Williamson  
24 Valley Road from Love Lane and I looked in the ditch.

25 Q. Going which way?



1 A. Both ways, north and south.

2 Q. From Glenshandra to where?

3 A. From Love Lane.

4 Q. Love Lane, which way?

5 A. South.

6 Q. Back towards town?

7 A. Yes.

8 Q. How far did you go?

9 A. I believe I rode all the way to -- pretty close to

10 the school that's on Williamson Valley Road.

11 Q. All the way up Iron Springs?

12 A. Pretty close to there, yes.

13 Q. Okay. So you rode almost the whole length of

14 Williamson Valley Road on both sides?

15 A. Yes.

16 Q. Pretty dangerous? A lot of cars?

17 A. A lot of cars, yes.

18 Q. You wouldn't want to go back and do that? If you

19 had to?

20 A. If I had to.

21 Q. You didn't see anything?

22 A. Nothing stuck out.

23 Q. You say that Mr. DeMocker, back at the house, left

24 a couple of different times. He told you one time that he

25 went back to his office to see if his computer was turned

1 off; correct?

2 A. I believe he said to turn his computer off.

3 Q. Okay. And one of the ways you know that  
4 Mr. DeMocker leaves is: Alpine Meadows, where he lives, is a  
5 gated community, and the gate when you go into the property,  
6 the gate records the time the gate opens electronically? And  
7 you got those records; correct?

8 A. Yes. He has like a garage type door opener that  
9 records the time and the date.

10 Q. So assuming Mr. DeMocker was using that, somebody  
11 using his code could go in at certain times. Now, when you  
12 left the property, we've talked about this, it's a bump gate.  
13 So when you go out, it doesn't record the time; correct?

14 A. Correct.

15 Q. Just when you come through the gate?

16 A. Correct. But the device that Mr. DeMocker has, I  
17 believe, is assigned to him.

18 Q. Right.

19 A. Because I found it in his vehicle.

20 Q. Right. Right. And presumably it was him. And  
21 Charlotte had her own with a different code; right?

22 A. Correct.

23 Q. So you could tell when Charlotte went in and out?

24 A. Yes.

25 Q. Okay. And so Mr. DeMocker went in and out several

1 more times that night, but by the time you got that  
2 information, Mr. DeMocker was no longer talking to you;  
3 correct?

4 A. Right.

5 Q. Okay. So you never did get an explanation. So  
6 we'll have to wait on that one?

7 A. Yes.

8 Q. Okay. But that was of concern to you; correct?

9 A. Yes.

10 Q. Because you thought perhaps Mr. DeMocker was  
11 making trips out to dispose of this evidence?

12 A. Yes. And the fact that he told me he went to his  
13 office to turn the computer off. And when I arrived at the  
14 office that morning, his computer was on.

15 Q. Okay. Well --

16 A. And in the same interview, he told me that he went  
17 to pick something up. So I didn't know which one it was.  
18 Did he turn his computer off? Did he pick something up?

19 Q. And so those questions were left unanswered  
20 because you never got a chance to talk to Mr. DeMocker again  
21 about that?

22 A. That's correct.

23 Q. And so those are open questions in your mind?

24 A. Yes.

25 Q. There are a number of people that you kind of wish

1 you had a chance to talk to more; correct?

2 A. Yes.

3 Q. Okay. And didn't get the chance to?

4 A. Right.

5 Q. Okay. So those are open questions in your mind.

6 Back to -- so in your scenario, the only  
7 way that Mr. DeMocker could have committed this crime and  
8 avoided having Carol's blood all over him and avoid having  
9 left his evidence is to have all this protective clothing?  
10 That's the only way this could have happened?

11 A. There's probably another way that I haven't  
12 thought of.

13 Q. Okay. So what you're saying, in essence then, is  
14 that the absence of evidence at the crime scene, evidence  
15 connected to Mr. DeMocker at the crime scene, is itself  
16 evidence? Is that what you're saying?

17 A. Ask again, please.

18 Q. What you're saying is that the absence of evidence  
19 of Mr. DeMocker at the crime scene; his blood, his DNA, his  
20 fingerprints, at the crime scene, the fact that there is no  
21 such evidence is itself evidence?

22 A. Yes.

23 Q. Okay. And conversely the absence of Carol's  
24 evidence on Steve; on his person, in his car, on his bicycle,  
25 at his house, anyplace else connected with him -- the absence

1 of any of her blood, even so much as a speck of her blood, is  
2 evidence?

3 A. There were several questions in there. Let's  
4 break it down and ask me one, please.

5 Q. Okay. The fact that none of Carol's blood was  
6 ever discovered on Steve or anything connected with him is  
7 itself evidence? Is that what you're saying?

8 A. To some degree, yes.

9 Q. Okay. And so that theory requires a belief that  
10 Steve was the murderer?

11 A. Yes.

12 Q. If you believe that part of his scheme to murder  
13 her was to hide evidence, was to avoid leaving evidence, and  
14 avoid being contaminated by evidence, then you have to  
15 believe he was the murderer?

16 A. Based on the fact that I had seen at the scene the  
17 tire tracks. The fact that he told me he was on -- he  
18 himself was on a bike ride. The fact that we have shoes --  
19 footprints at the scene that Mr. DeMocker seems to own a pair  
20 of shoes that we can't find. Due to the fact that  
21 Mr. DeMocker had scratches that he couldn't explain to me how  
22 it occurred. All those things concern me, yes.

23 Q. Okay. Well, let's take those one at a time. The  
24 tire prints and shoe prints. The shoe prints you believe  
25 were made by shoes associated with Mr. DeMocker, which you

1       couldn't find; correct?

2           A.     Correct.

3           Q.     So your belief is then that Mr. DeMocker must have  
4       been wearing those shoes that night and disposed of them?

5           A.     Yes.

6           Q.     Okay. Is it possible that somebody else had a  
7       similar pair of shoes?

8           A.     Based on the information that I have learned, that  
9       type of shoe, there was only 800 pairs sold in North America.

10          Q.     Well, we'll hear from the shoe people, and we'll  
11       see if those numbers hold up. That's your information?

12          A.     Yes, sir.

13          Q.     Okay. We'll see what happens.

14                         But do you have information of when  
15       Mr. DeMocker bought those shoes?

16          A.     I believe it was purchased with another pair of  
17       shoes that we found at his home.

18          Q.     In May of 2006?

19          A.     I'm not positive on that date.

20          Q.     Do you know what date it was?

21          A.     I don't remember.

22          Q.     Okay. It wasn't in 2007; was it?

23          A.     I think it was a year, year-and-a-half, maybe two,  
24       somewhere around there.

25          Q.     A little more than two years. May of 2006 would

1 be a little more than two years before Carol's murder;  
2 correct?

3 A. Okay.

4 Q. Do you have any witness that saw Mr. DeMocker in  
5 possession of those shoes in 2008?

6 A. Not that I could find.

7 Q. Or 2007?

8 A. Not that I could find.

9 Q. Those shoes were never located; correct?

10 A. True.

11 Q. You took every pair of shoes you could find  
12 connected with Mr. DeMocker, including the search warrant  
13 issued on the day he was arrested -- you took even more  
14 shoes; correct?

15 A. Yes.

16 Q. Those shoes were not found?

17 A. Right.

18 Q. So your explanation is Mr. DeMocker hid them?

19 A. That lingering question of where he went those two  
20 other times that night.

21 Q. Is it possible that Mr. DeMocker simply didn't  
22 have those shoes in July of 2008?

23 A. Again, sir, everything is possible. Is it  
24 probable?

25 Q. Okay. And the -- talking about this golf club

1 that you say is part of this story. You've told us now that  
2 no one saw the golf club at Carol Kennedy's house; correct,  
3 and the golf club has never been recovered; correct?

4 A. Correct.

5 Q. Mr. DeMocker says that he didn't have it. He gave  
6 it to Carol, and he never saw it again; correct?

7 A. I believe so.

8 Q. And you've looked all of the places you've told  
9 us, including some very dangerous places for the golf club,  
10 and you never found it?

11 A. I have not found it.

12 Q. So the explanation is that Mr. DeMocker hid the  
13 golf club?

14 A. That's possible, yes.

15 Q. Unless the golf club has nothing to do with this  
16 case?

17 A. Again, based on the injuries that Miss Carol  
18 Kennedy received, those were consistent with a golf club.

19 Q. You would agree that we would need to hear from  
20 the experts, from Dr. Keen and Dr. Fulginiti, other people,  
21 about their medical opinions; correct?

22 A. Yes.

23 Q. You're just repeating what other people said. You  
24 don't have any scientific training in that area; do you?

25 A. I was actually at the medical examiner's office



1 when some of the comparisons were made.

2 Q. But you're not a doctor?

3 A. No, sir.

4 Q. Dr. Keen is a very experienced forensic  
5 pathologist; correct?

6 A. Yes.

7 Q. Dr. Laura Fulginiti is a very experienced forensic  
8 anthropologist; correct?

9 A. Yes.

10 Q. And they were involved in the examination of this  
11 case; right?

12 A. Yes, they were.

13 Q. And they rendered conclusions; right?

14 A. Yes.

15 Q. And the jury should listen to their conclusions?

16 A. Yes.

17 Q. Okay. Is it possible in your investigation of  
18 this case that this whole idea that Mr. DeMocker had to have  
19 all of these items, and had to hide them, and was successful  
20 in doing it is just simply one explanation? And another  
21 explanation is Mr. DeMocker had nothing to do with this  
22 murder? That he was not there? That he was telling you the  
23 truth, and that somebody else or some other people committed  
24 this murder?

25 A. I believe there are too many coincidences for that

1 to be the case.

2 Q. Right. That's it? That's it? You have no  
3 confession; correct?

4 A. Right.

5 Q. You have no murder weapon?

6 A. Right.

7 Q. Correct. You have no witness to the murder?

8 A. Right.

9 Q. Right. Okay. Often times in your investigation  
10 those things eventually happen; correct?

11 A. Sometimes.

12 Q. Okay. But what you do have is Mr. 603; correct?  
13 You have this, as yet, undetermined unidentified male DNA  
14 under Carol's fingernails; correct?

15 A. And we took extensive time and effort to find him.

16 Q. Let's talk about some investigation that you did  
17 in that regard.

18 We've heard some evidence from people  
19 about something called a buccal swab; right, where a thing  
20 that looks like a Q-tip is used to swab the inside of a  
21 person's cheek to obtain cells that can be analyzed for DNA;  
22 correct?

23 A. Right.

24 Q. All right. In December of 2008, in one of the  
25 last things that you did in this case, you went on a trip to

1 South Carolina in connection with this case; correct?

2 A. Yes.

3 Q. Okay. Now I understand that you also had some  
4 other business in South Carolina on another unrelated case;  
5 right?

6 A. Yes.

7 Q. And you ran down a man named Ed McCullough. Is  
8 that right?

9 A. Right.

10 Q. Okay. Who's Mr. McCullough?

11 A. I believe he was a friend of Carol Kennedy, and  
12 they e-mailed each other quite a bit.

13 Q. In fact, they met in an on-line dating  
14 arrangement; correct? Something called dharmaMatch.com?

15 A. To be honest with you, sir, I read so much e-mail,  
16 it's sometimes confusing, so I don't remember.

17 Q. Carol Kennedy, from her computer, apparently was  
18 quite active, particularly in the last few months, in trying  
19 to meet people on-line; correct?

20 A. Yes.

21 Q. In fact, there's some indication that she used as  
22 many as seven different computer dating services?

23 A. I'm not sure about that number.

24 Q. Okay. dharmaMatch, D-H-A-R-M-A Match.com is one  
25 that you know about; right?

1 A. That's one.

2 Q. And that's how she met Mr. McCullough; right?

3 A. I don't remember. Again, sorry.

4 Q. All right. And how did you become interested in  
5 Mr. McCullough as somebody you wanted to talk to?

6 A. I believe it was due to the fact that we were  
7 trying to find as many people that might have had contact  
8 with Miss Kennedy, so he was on that list.

9 Q. Okay. And apparently you learned that this  
10 on-line relationship developed to the point where they  
11 actually met each other; correct?

12 A. I believe so, yes.

13 Q. And they took a couple of trips together; correct?

14 A. I think so.

15 Q. They went to New York?

16 A. That I don't know.

17 Q. They went to Hawaii?

18 A. That's possible.

19 Q. Okay. Mr. McCullough lived in Hilton Head, South  
20 Carolina?

21 A. Yes.

22 Q. So, nice resort area; correct?

23 A. Yeah.

24 Q. Okay. And so you talked to him, and he wanted to  
25 meet at his lawyer's office. Is that right?

1 A. Right.

2 Q. Who was with you?

3 A. Detective Mike Poling.

4 Q. Another Yavapai County Sheriff's detective?

5 A. Right.

6 Q. Okay. And you all interviewed Mr. McCullough. Is  
7 that right?

8 A. Right.

9 Q. Okay. And he consented to one of these buccal  
10 swabs; right?

11 A. Right.

12 Q. Okay. Do you have any idea how many different  
13 buccal swabs have been collected in this case in an effort to  
14 find Mr. 603?

15 A. I would just be guessing. I don't know.

16 Q. What do you think?

17 A. Over 50.

18 Q. Okay. While you were involved in the case?

19 A. What's that?

20 Q. While you were involved in the case?

21 A. I believe so, yes.

22 Q. Okay. Do you believe that the search for Mr. 603  
23 and the taking of buccal swabs continued after April of '09  
24 when you left the active work in this case?

25 A. I wouldn't see why not.

1 Q. Okay. Just continuing to look for him; correct?

2 A. Yes.

3 Q. If people were out in law enforcement today  
4 looking for Mr. 603, would that surprise you?

5 A. No.

6 Q. Something you want to do?

7 A. Right.

8 Q. And Mr. 603 could be any number of different kinds  
9 of people; right?

10 A. Or events or situations.

11 Q. Or what?

12 A. Events or situations.

13 Q. Mr. 603 could be a friend of Carol Kennedy's?

14 A. Could be.

15 Q. All right. Could be an acquaintance of Carol  
16 Kennedy's?

17 A. Could be.

18 Q. Mr. 603 could be a criminal?

19 A. Could be.

20 Q. Could be sitting in the Arizona Department of  
21 Corrections right now; correct?

22 A. Could be.

23 Q. Could be sitting in some other county jail or  
24 state prison someplace else in the United States; correct?

25 A. I'm not positive, but I believe that profile

1 probably would have been entered into CODIS.

2 Q. What's CODIS?

3 A. It's a combined data base for DNA that most felons  
4 are entered into, their DNA.

5 Q. Okay. Do you have any information about a backlog  
6 in DNA buccal swabs from people in the criminal justice  
7 system just in the State of Arizona?

8 A. No, I don't.

9 Q. If I told you that published reports indicate that  
10 there are as many as 20,000 swabs taken from people that  
11 belong in the system that because of funding shortages have  
12 not been entered in the system, would that surprise you?

13 A. Sad to say it, yes.

14 Q. 20,000. So that means the possibility is: If  
15 you're taking these buccal swabs and you're trying to see if  
16 there's what's called a "cold hit"; right, but you have a  
17 profile for Mr. 603 that the lab developed, essentially a  
18 picture of Mr. 603; right?

19 A. To some degree, yes.

20 Q. It's a DNA picture. It looks kind of like a  
21 temperature chart. That's what they look like?

22 A. Right.

23 Q. Have you ever seen those? It's called  
24 electropherogram. Okay. And so you have this profile, and  
25 you run it through this computer system, and you're looking

1 for a "cold hit." And the system could be in Arizona, could  
2 be a nationwide system, just hoping that you find Mr. 603 in  
3 somebody's jail or prison; correct?

4 A. True.

5 Q. But if just Arizona alone has 20,000 untested  
6 people, that might mean that Mr. 603 is sitting in Florence  
7 in a cell right now, but his profile has never been entered  
8 in the system. So you take Mr. 603's profile and you enter  
9 it in the system and it doesn't find that person. The  
10 backlog means it doesn't find that person; right?

11 A. Yeah, that's possible, yes.

12 Q. And as much as we like to think that Arizona is at  
13 the top of everything, it's possible nationwide there are  
14 bigger backlogs still in different states; correct?

15 A. That's possible, yes.

16 Q. So if you run it in a national system, the odds of  
17 Mr. 603 actually being in prison, a "cold hit," are reduced  
18 by whatever the backlog is?

19 A. That's possible, yes.

20 Q. Okay. Now, that's also presuming that Mr. 603 is  
21 in the criminal justice system. He may not have been caught.  
22 He may have been a criminal that has committed this crime but  
23 never got caught?

24 A. True.

25 Q. He may not live in this country?



1 A. That's possible.

2 Q. He may have left this country; correct?

3 A. That's possible.

4 Q. So we may never find Mr. 603?

5 A. That's possible.

6 Q. Okay. But we're looking for Mr. 603 by looking at  
7 the people that were around Carol. The people that she saw  
8 the last day of her life. The people she worked with. The  
9 people in the store she shopped at. Looking for males  
10 because Mr. 603 is a male; right?

11 A. I believe so.

12 Q. Okay. And none of those people who have given  
13 swabs are Mr. 603; right?

14 A. Right.

15 Q. So the search continues?

16 A. Yes.

17 Q. So the possibility is, then, that five years from  
18 now or ten years from now, long after our work here is done,  
19 if that swab is put in the system and run, a "cold hit" might  
20 pop up and Mr. 603 might be sitting in the Arizona Department  
21 of Corrections?

22 A. That's possible.

23 Q. With no alibi?

24 A. That's possible.

25 Q. And he may be a sex offender. He may be a drug

1 dealer; yes?

2 A. Anything is possible, yes.

3 Q. He may be a murderer; yes?

4 A. That's possible.

5 Q. By contrast, if I understand what you're saying,  
6 even though there is no such evidence of Mr. DeMocker at the  
7 scene; there is not a scrap of his DNA, a drop of his blood,  
8 any of his fingerprints at the scene, you still maintain that  
9 that's because he took steps to prevent that from happening?

10 A. Yes, sir. And also I cannot say that Mr. 603 was  
11 the actual murderer. I cannot say that. I don't know what  
12 Mr. 603, or how he got there.

13 Q. But Mr. 603 could be the murderer; couldn't he?

14 A. We don't know that.

15 Q. Right. We don't know that, but he could be?

16 A. She could have picked that DNA in many ways.

17 Q. Right. But one of them is in a death struggle  
18 with Carol Kennedy?

19 A. That's one possibility, yes.

20 Q. Because on her right hand, she had a broken  
21 fingernail; correct?

22 A. I believe so.

23 Q. Okay. And did you do any investigation about  
24 Carol Kennedy's personal habits with respect to her nails?

25 A. I did not.

1 Q. Do you know if anybody else did?

2 A. I don't remember.

3 Q. So you don't know whether she was fastidious about  
4 her nails, trimmed them regularly, you don't know anything  
5 about that; right?

6 A. No.

7 Q. Did you look at the broken nail on her finger?

8 A. I believe I did.

9 Q. It was a broken nail right down into the cuticle;  
10 wasn't it?

11 A. I don't exactly remember. That was a long time  
12 ago.

13 Q. Perhaps there's a picture?

14 A. Yes.

15 Q. Okay. And if a person was careful about their  
16 nails, it's unlikely that they would have a broken  
17 fingernail, a jagged, broken fingernail like that without  
18 doing something about it. Without trimming it and trying to  
19 take care of it. They would be very careful?

20 A. Or it could have happened just before. It  
21 necessarily doesn't mean that it happened during the attack.

22 Q. Happened when she was talking on the phone to her  
23 mother?

24 A. Possible. When she was out running. Don't know.

25 Q. Or it could have happened when she was fighting

1 with Mr. 603?

2 A. We don't know if that happened.

3 Q. Okay. You just don't.

4 It's not unreasonable to think that it  
5 might have happened when she was fighting with Mr. 603; is  
6 it?

7 A. I don't know that.

8 Q. There's a lot we don't know in this case and  
9 that's among them; correct?

10 A. Correct.

11 Q. Okay. Let's talk -- let's really change gears  
12 here for a minute. Let's talk about these search warrants.  
13 I'm very interested in the search warrants that you were  
14 involved in.

15 The search warrants were obtained for a  
16 lot of different places, early in the morning of July 3rd,  
17 even while Mr. DeMocker was still at the police station;  
18 correct? You were working on search warrants?

19 A. Yes.

20 Q. Okay. And the search warrants -- the beginning of  
21 the search warrants were to search Mr. DeMocker's home at  
22 Alpine Meadows; correct?

23 A. That's one of the places.

24 Q. One of them. And to search his office at UBS,  
25 nearby; correct?

1 A. Yes.

2 Q. And to seize and search his car; correct?

3 A. Yes.

4 Q. Okay. And let's look at, if we could, the first  
5 search warrant, which is the search warrant on the morning of  
6 July 3rd. Let me tell you what I've done here.

7 I've taken -- we have the search warrant,  
8 the whole search warrant packet, which has the affidavits and  
9 returns and everything as Exhibit 794. And what we've done  
10 is extract just the warrant and have it marked as Exhibit  
11 2649. Take a look at 2649 and tell me if you recognize that,  
12 please.

13 A. (Whereupon, the witness reviews a document.)

14 It appears to be one of the many search  
15 warrants that we wrote.

16 Q. Okay. This is actually just the search warrant  
17 itself. Not the affidavit or the returns or anything else,  
18 just the search warrant?

19 A. Right.

20 Q. This was the first search warrant on the morning  
21 of July 2, 2008; correct?

22 A. I believe that search warrant might have  
23 encompassed his home, his business, his car, Bridle Path,  
24 too.

25 Q. You also had a search warrant to take things

1 physically from him. To take bodily fluids, blood and things  
2 like that?

3 A. DNA photographs.

4 Q. Is that on that search warrant?

5 A. (Whereupon, the witness reviews a document.)

6 It says "any clothing that may have" --

7 Q. Without reading it. It's not in evidence yet.

8 Just yes or no. Is that on that warrant?

9 A. Yes.

10 Q. Okay. Great.

11 MR. SEARS: I would move 2649 with that  
12 foundation.

13 MR. BUTNER: Objection. It's duplicitis. The  
14 best evidence is the search warrant. It's already in  
15 evidence, Judge. A certified document from the Court,  
16 Exhibit 794, admitted on June 16, 2010.

17 THE COURT: That includes some other  
18 documentation with it?

19 MR. SEARS: Your Honor, it's a packet of  
20 information. It's the affidavit. It's all of the returns.  
21 It is an unsigned copy, a signed copy. This is simply the  
22 three-page search warrant extracted from that larger exhibit  
23 for ease of discussion with this witness.

24 THE COURT: Does it appear to be that,  
25 Mr. Butner?

1 MR. BUTNER: It does, Judge.

2 THE COURT: I will admit it then. 2649 is  
3 admitted.

4 MR. SEARS: Thank you.

5 Q. Now, let's talk a little bit about how search  
6 warrants are obtained. Search warrants are authorized by the  
7 Constitution of the United States and the Arizona  
8 Constitution; correct?

9 A. Yes.

10 Q. And the basic premise is that all of us are, under  
11 the Constitution, to be free from unreasonable searches and  
12 seizures of our persons and things without benefit of a  
13 warrant?

14 A. Right.

15 Q. So the warrant requirement in the 4th Amendment is  
16 to protect all of us; correct?

17 A. Right.

18 Q. And warrants are to be issued by a magistrate,  
19 which is an old fashion word for a judge, on a showing of  
20 probable cause; correct?

21 A. Right. Or Justice of the Peace.

22 Q. I'm sorry?

23 A. Justice of the Peace.

24 Q. Who is a magistrate? Who's also a judge; right?

25 A. Right.

1           Q.     Okay. And in Arizona, and particularly in Yavapai  
2 County, Justices of the Peace are judges of non-record  
3 courts, the court lower than this court, but you could also  
4 go to Judge Darrow or a Superior Court judge; correct?

5           A.     Yes.

6           Q.     And the idea is that an affidavit is prepared by  
7 someone with all of the facts that they believe support  
8 probable cause, and then a proposed warrant. And then that  
9 is presented to a judge, and the judge determines if there's  
10 probable cause based on the affidavit, and if he does, signs  
11 the warrant to search certain places for certain things;  
12 correct?

13          A.     Right.

14          Q.     And over the years, there have been many, many  
15 cases that decide lots of rules about search warrants, and  
16 that's part of the unending pleasure of being a police  
17 officer; right, trying to keep up with 4th Amendment law;  
18 right?

19          A.     Yes.

20          Q.     And -- but the basic practice was followed in this  
21 case; an affidavit was prepared, a warrant was prepared, and  
22 in this case the warrant was faxed to a judge; correct?

23          A.     Right. It was pretty early in the morning that  
24 day.

25          Q.     Before court opened?



1 A. Right.

2 Q. Okay. And the judges have arranged to be  
3 available by fax. You tell them a fax is coming. The  
4 warrant's faxed. They review it. They sign it. They fax it  
5 back to you; correct?

6 A. Right.

7 Q. And that's what was done in this case?

8 A. I believe so, yes.

9 Q. So, and as we just talked about here, we've got  
10 just the warrant itself here, but there's an affidavit in  
11 support of this that was prepared and then something called a  
12 return, which is basically the receipts for whatever you  
13 take; right?

14 A. Yes.

15 Q. And there's some hand-written ones left at the  
16 place that's searched, and then you actually make a written  
17 return. You come back to the judge within a time period and  
18 say, here's what we took under the warrant?

19 A. Yes.

20 Q. And the judge signs off on that; correct?

21 A. Yes.

22 Q. All right. Now, let's look at -- this is 2649,  
23 now. This is -- it gets worse, or worse. It's really just a  
24 great invention. Okay. We can see a little bit.

25 This is the search warrant that says that

1 Detective Douglas Brown was the person who swore out the  
2 affidavit; right?

3 A. Correct.

4 Q. And in this case, my understanding from all of the  
5 investigation we've done in the case is that it was really a  
6 group project, and that although Detective Brown was the  
7 person that signed it, lots of people, including you, worked  
8 on the search warrant affidavit; right?

9 A. Yes.

10 Q. And that it was put together in the sheriff's  
11 office over at 255 East Gurley, and actually Detective  
12 Theresa Kennedy was the person that was typing it up, and  
13 people would bring her information over a period of time to  
14 put in the affidavit; correct?

15 A. That's correct.

16 Q. And put it in the warrant. And this particular  
17 warrant says, "on July 2nd" -- down here -- "2008, places to  
18 search: 1716 Alpine Meadows Lane, No. 1405," with a  
19 description. The law requires a description so that you  
20 don't go to the wrong place; right?

21 A. Yes.

22 Q. Okay. And then "Bridal Path." "Bridal" is  
23 misspelled here, not for the first time. It's B-R-I-D-L-E,  
24 not A-L; correct?

25 A. I believe so.

1 Q. Okay. It's not a wedding path. It's a horse  
2 path; right?

3 A. Yes.

4 Q. Right. And then on the next page, talks about the  
5 "secondary mother-in-law residence." That's Mr. Knapp's  
6 residence. He's not anybody's mother-in-law; correct?

7 A. Right.

8 Q. That's just what you call the guest house; right?

9 A. Right.

10 Q. Okay. And then "any and all vehicles at Bridle  
11 Path"; right?

12 A. Right.

13 Q. And the "office building" is Mr. DeMocker's work  
14 office, the UBS office on Plaza West Drive not far from his  
15 home at Alpine Meadows; correct?

16 A. Right.

17 Q. Okay. And then "a gray 2007 BMW registered to  
18 Mr. DeMocker," his car; correct? Currently located at  
19 255 East Gurley. You already had it; right?

20 A. It was parked outside in the parking lot.

21 Q. All right. Okay. So you were going to search it  
22 and that's where it was.

23 Okay. Now, there's a whole long list of  
24 things that you were looking for in this first search warrant  
25 and -- it's getting a little better, ah, too far -- Okay.

1 "Gary Fisher Mountain Bike." You are  
2 looking for Steve's bike; right?

3 A. Right.

4 Q. "Hiking and riding gear, clip-on bike shoes, bike  
5 jerseys, Patagonia biking shorts," that's what he said he was  
6 wearing; right?

7 A. Right.

8 Q. "Bike helmets, gloves, ankle socks, backpacks,  
9 Camelbaks." Camelbaks are hydration systems. They're like a  
10 little backpack with a bladder in there and a tube so if  
11 you're hiking or riding you can drink. You can hydrate  
12 yourself; right?

13 A. Right.

14 Q. "Camelbak" is a brand name; correct?

15 A. Right.

16 Q. All right. "Clothing that may have the victim's  
17 blood, hair, saliva, or any other DNA material on it." And  
18 that would be clothing located at any of these locations;  
19 right?

20 A. Right.

21 Q. A "buccal and blood sample from Steve"; right?

22 A. Right.

23 Q. We know what buccal is. There it's spelled out  
24 B-U-C-C-A-L.

25 "Photos, fingerprints, hair samples and

1 nail clippings from Steve Carroll DeMocker." Now, he had  
2 already said he would be happy to give you any of those  
3 things, but you wanted to have a warrant for it in case there  
4 was any question about his -- the validity of his consent;  
5 right?

6 A. I'm not sure at what -- exactly what time he  
7 said -- he did say that -- but I'm not sure when in the  
8 interview he said it.

9 Q. Okay. You figured you weren't going to have any  
10 trouble getting a warrant, so it was safer to get a warrant  
11 for this search; right?

12 A. It's always safer to get a warrant.

13 Q. Right. "The clothing currently worn by Steven  
14 DeMocker." That means the clothing that he showed up with at  
15 the scene; right?

16 A. Right.

17 Q. "Tan shorts, green T-shirt, white underwear and  
18 shoes"; right? You wanted what he was wearing that moment?

19 A. Yes.

20 Q. Now, "the washing machine and connections, drain,  
21 and the clothing inside." That's from Alpine Meadows; right?

22 A. Right.

23 Q. Okay. So he had said that he had done a load of  
24 wash, and in the drain hose, you were looking to see if there  
25 was any blood or DNA that had washed off those clothes that

1 was caught in the drain hose and connections; right?

2 A. Right.

3 Q. Okay. And "trace evidence located in the showers,  
4 tubs, sinks, including the drains." "Trace evidence" means  
5 small, even microscopic, evidence of blood or DNA; right?

6 A. Right.

7 Q. Okay. And you're looking for Carol; right?  
8 You're not looking for Charlotte DeMocker or Katie DeMocker.  
9 You're looking for evidence that would have Carol Kennedy's  
10 blood or DNA at Mr. DeMocker's residence; right?

11 A. Right.

12 Q. Okay. "Towels and other items that could be used  
13 to dry or otherwise clean." And the theory that he tried to  
14 clean up and it would have Carol's blood on it; right?

15 A. Right.

16 Q. Is that right?

17 A. Right.

18 Q. "Photos of the interior and exterior of all  
19 locations to be searched."

20 "Journals, notes and e-mails." So that's  
21 a big category. That's looking for anything that has  
22 anything in writing, any writings, anything else, and it was  
23 also to include Carol's journals, and notes, and e-mails;  
24 right?

25 A. Right.

1           Q.     Okay. "Electronic storage devices, including cell  
2 phones, digital media, cameras, video cameras, computers,  
3 hard drives, PDA's, answering machines, caller ID logs,  
4 computer logs."

5                         Do you know what "boilerplate" is? Have  
6 you ever heard that expression in drafting of legal  
7 documents?

8           A.     No.

9           Q.     The idea of boilerplate is: That it's language  
10 which is just written out by somebody smarter than us that  
11 just gets used over and over again because it seems to be the  
12 right thing. You've seen this same language, this exact  
13 language, in lots of search warrants; haven't you?

14          A.     We use that same language in various types of  
15 crimes. For example, that might involve child pornography or  
16 anything else where a computer is involved.

17          Q.     Right. So asking for PDA's or answering machines,  
18 that's not particular to this case? This is boilerplate that  
19 is in your word processing system that Theresa Kennedy was  
20 accessing. You said, we want to get all this stuff, and she  
21 said, I'll use this language; right?

22          A.     I don't know if it's boilerplate or not. I do  
23 remember that, I believe, I asked for PDA's due to the fact  
24 that Mr. DeMocker said he had a Blackberry.

25          Q.     Okay. So you were interested in all that stuff.

1 "Cell phone chargers and batteries"  
2 because Mr. DeMocker told you that his cell phone battery had  
3 died so you wanted to see what that was.

4 "Instrument, tool or object that may have  
5 caused the trauma that resulted in the death of Virginia  
6 Carol Kennedy." So at that point early in the morning of  
7 July 3, it's just anything that might have caused the trauma.  
8 You know that she has obvious head trauma. She hasn't been  
9 autopsied yet. So you're just looking for anything?

10 A. Right.

11 Q. Okay. "Furniture located in the office area at  
12 7485 Bridle Path." Okay. Now, we know what you didn't take.  
13 We know you didn't take the desk, the desk chair, the  
14 bookcases, the white vinyl chair. Did you take any furniture  
15 from the office area?

16 A. No, sir, but I did intend to.

17 Q. What?

18 A. I did intend to because I put it there.

19 Q. Yeah. Is there a reason why you didn't wind up  
20 taking it?

21 A. Don't know right now. I might have forgotten.

22 Q. Okay. "Any and all trace evidence." That's a  
23 pretty broad category. What's "trace" evidence?

24 A. Hairs, cellular material, saliva, any microscopic  
25 particles.



1 Q. Hair fibers. Is that trace evidence?

2 A. Yes.

3 Q. And you wanted trace evidence anywhere you could  
4 find it within the places listed in this warrant; right?

5 A. Yes.

6 Q. Okay. "The GPS device and data for Mr. DeMocker's  
7 car." That goes back to this "bread crumbing" idea that you  
8 had that maybe that GPS device would give you some hint of  
9 where that car was; right?

10 A. Correct.

11 Q. Okay. It turns out not to be of any use at all?

12 A. I was hoping to prove what Mr. DeMocker was  
13 telling me.

14 Q. You wanted to prove Mr. DeMocker true?

15 A. Yeah.

16 Q. Okay. And if it turned out he was lying, oh,  
17 well; right?

18 A. Yes.

19 Q. Okay. But it didn't tell you one thing or another  
20 except it left a big whole in the dashboard; right?

21 A. Correct.

22 Q. Okay. "Indicia of occupancy." Okay. That's  
23 things like mail addressed to somebody at a residence; right?  
24 Just to prove that they live there; right?

25 A. Correct.

1 Q. Okay. So instead of just saying things to prove  
2 you live there, this crazy "indicia of occupancy" shows up in  
3 search warrants; right?

4 A. That gives me a broader range of items that I can  
5 seize to show indicia.

6 Q. Okay. And then we see on the last page, if you  
7 find any such report or retain such in your custody -- boy  
8 that's old fashioned language; isn't it? Okay. Return this  
9 warrant within three court business days as directed by the  
10 statute. Signed at 7:25 a.m. by Judge Arthur Markham, who is  
11 the Justice of the Peace for the Prescott Justice Precinct;  
12 right?

13 A. Yes.

14 Q. Okay. And this was faxed to him; right?

15 A. Yes.

16 Q. Okay. And he sent it back. Okay. And so then  
17 the search could begin after this warrant was obtained?

18 A. Right.

19 Q. So at this point you know some specific things you  
20 want. You want to go through Steve's car. You want to get  
21 the washing machine stuff. But in terms of murder weapons,  
22 you're still here at anything, any instrument, tool or  
23 object. That's pretty much anything in the universe; right?  
24 At that point --

25 A. Pretty much.

1 Q. -- early in the morning.

2 Okay. Now, by contrast, you come back  
3 after the autopsy, and we'll talk more about the autopsy.

4 Well, while we're doing this, let's talk  
5 a little bit about when you go to the Alpine Meadows house  
6 and do the search. I guess this is a good place to start  
7 with that discussion.

8 Let's look at a couple of pictures. This  
9 is 2367 for identification. Can you tell me if you recognize  
10 what's depicted in that photo, 2367?

11 A. (Whereupon, the witness reviews a document.)

12 I don't remember this.

13 Q. Do you remember being in the Alpine Meadows  
14 condominium?

15 A. Oh, I'm sorry. I had it backwards, yes.

16 Q. North up. Okay. What is it? Do you recognize  
17 it?

18 A. Yes.

19 Q. Okay. And is that an accurate depiction of that  
20 area of the Alpine Meadows condo as you saw it early in the  
21 morning of July 3, 2008?

22 A. Just of that area.

23 MR. SEARS: Okay. Let me -- I will move 2367.

24 MR. BUTNER: No objection.

25 THE COURT: 2367 is admitted.

1 BY MR. SEARS:

2 Q. Similar, would you take a quick peak at 2368 and  
3 tell me if you recognize what's in that photo?

4 A. Yes.

5 Q. Another portion of the residence at Alpine  
6 Meadows. Is that right?

7 A. Yes.

8 MR. SEARS: I move 2368.

9 MR. BUTNER: No objection.

10 THE COURT: 2368 is admitted, also.

11 BY MR. SEARS:

12 Q. Let's take a look at 2367, first. 2367 is a  
13 picture of the stairwell. Okay. And this is the stairwell  
14 that goes from the ground floor, the garage and the front  
15 door to Mr. DeMocker's condominium up to the living area;  
16 correct?

17 A. Yes. I think so.

18 Q. Okay. And these are carpeted stairs; correct?

19 A. Yes.

20 Q. Okay. And we'll see other pictures, but there are  
21 two ways that you can get into the condominium. You come  
22 through the garage, go through a door, and come into this  
23 area, this landing, which is where this photo was taken;  
24 right? Or you can come through the front door?

25 A. I think there's also an elevator there.

1 Q. The elevator goes up and down between the two  
2 floors?

3 A. I believe so.

4 Q. Okay. Does that have a door to the outside?

5 A. Not to the outside.

6 Q. Okay. But the elevator is in this same area here?  
7 This is a two-story --

8 A. Somewhere in this area.

9 Q. Okay. Now, let's look at 2368, which is the top  
10 of the stairs -- okay. Things just get worse and worse.

11 And you can see here this picture. This  
12 is a police picture; right, taken by law enforcement?

13 A. I don't know.

14 Q. Okay. You go up to the top of the stairs here,  
15 and you can see this is the kitchen island here. There's a  
16 kitchen stool, and there are stairs on either side -- we'll  
17 look at some pictures up here in just a minute -- but this is  
18 how you get -- this is the last few steps up into the  
19 residence area; correct?

20 A. I believe so, yes.

21 Q. And let's do these in a bunch here.

22 Would you please take a look at 2371, 70,  
23 and 69, and tell me if you recognize what's depicted in those  
24 three photos?

25 A. (Whereupon, the witness reviews a document.)

1	Okay.
---	-------

2 Q. A place you've been; right?

3                   A.     I believe so, yes.

4 Q. And it's different portions of the residence of  
5 Mr. DeMocker at Alpine Meadows; correct?

6 A. Living room area.

7 Q. Okay.

8 MR. SEARS: I would move 69, 70 and 71.

9 MR. BUTNER: No objection.

10 THE COURT: Those three exhibits are admitted.

11 MR. SEARS: Thank you, Your Honor.

12 Q. Okay. Let's look first at 2370. 2370, you can  
13 see this is the stairway that we were just looking at. This  
14 is the railing that we were looking at. This is the dining  
15 room table; isn't it?

16                   A.     Yes, I think so.

17 Q. Okay. So when you come up the stairs, the stairs  
18 turn. You can see that you come up a flight, there's a  
19 little landing, and you turn and come up a short flight, and  
20 then you're up on the second floor; correct?

21                   A.       Yes.

22 Q. Okay. And when you come up on your left, here's  
23 the dining room; correct?

24                      A.        Yes.

25 Q. Okay. And there's a dining room table, chairs,

1 this shelf unit here; correct?

2 A. Yes.

3 Q. Okay. Is that the door to the elevator?

4 A. I think so. I'm not sure.

5 Q. It's the door to something; right?

6 Okay. Here is 2369 taken from -- here's  
7 the same dining room table; correct, and it's looking across,  
8 and on the other side of the stairway is a living room area;  
9 correct?

10 A. Yes.

11 Q. And then there are a couple of doorways. Those  
12 are in the bedrooms; correct? On this side?

13 A. I think there's one bedroom on that side; right?

14 Q. Well, if I were the witness, I would answer the  
15 question. Do you remember? You don't remember?

16 A. I don't know.

17 Q. Okay. Maybe there are some better pictures.

18 And then this is a kitchen counter here,  
19 and you can see this bottle on the counter in the kitchen  
20 area, it's a small kitchen, but it's to the left of this  
21 little wall here; correct?

22 A. Yes.

23 Q. And here is, 2371 is the living room; correct?

24 A. Yes.

25 Q. The living room, sofa, coffee table, door to a

1 little covered patio; correct?

2 A. Yes.

3 Q. Fireplace; correct?

4 A. Yes.

5 Q. And a doorway into something; right, perhaps a  
6 bedroom?

7 A. Perhaps.

8 Q. Okay. And this is generally, without regard to  
9 whether the furniture is in it, this is the way the residence  
10 looked when you were there on the morning of July 3, 2008;  
11 correct?

12 A. Yes.

13 Q. Okay. Now, let's talk about how the search was  
14 organized. There was apparently some sort of a meeting or  
15 briefing that is typically conducted by people who are going  
16 to go out and execute a search warrant. That's what you do  
17 with a search warrant; right, you execute the search warrant?

18 A. Right.

19 Q. Executing the search warrant means go to the place  
20 and search and take things; right?

21 A. Right.

22 Q. Okay. And so you start with the briefing, and the  
23 briefing in this case was conducted where?

24 A. The sheriff's office.

25 Q. And who conducted it?



1 A. I did.

2 Q. Okay. And part of the purpose for the briefing is  
3 to describe where you're going and what you're looking for;  
4 right?

5 A. Yes.

6 Q. Okay. And you use the warrant and the affidavit  
7 as tools for that?

8 A. Right.

9 Q. And then a discussion of how you're going to break  
10 up the work; right?

11 A. Yes. And usually a brief synopsis of what has  
12 occurred.

13 Q. Okay. And who is present at that briefing?

14 A. Everyone who's going to assist in the execution of  
15 the search warrant.

16 Q. Do you remember any of the people that were  
17 present?

18 A. I believe it was myself, Captain Rhodes, Detective  
19 Wendy Parkinson, Investigator Jimmy Jarrell, Investigator  
20 Bill Hobbs, Ken Brewer evidence technician, Leslie Madaffari  
21 evidence technician, Doug Brown of course, Alex Jaramillo  
22 detective, that's the only ones I can remember at this time.

23 Q. Okay. And it was in a conference room at the  
24 sheriff's office; right?

25 A. Yes.

1 Q. Okay. And were assignments divvied up by you  
2 then, who would search where and who would perform what role?

3 A. Yes. I broke the groups into several groups and  
4 gave them the different specific locations to go search.

5 Q. Okay. So some people were going to go right out  
6 back and begin the process of securing and searching  
7 Mr. DeMocker's car?

8 A. Yes. I believe they were going to take it to --  
9 it was Sergeant Dan Winslow who was also present and some of  
10 his groups.

11 Q. Okay. They were going to do the car?

12 A. Yes. Take the car over to our impound yard, Fleet  
13 Management.

14 Q. And that was going to be done by putting it on one  
15 of those flatbed tow trucks and towing it over?

16 A. Correct.

17 Q. Okay. And the impound yard is out off Willow  
18 Creek Road?

19 A. It's off of Commerce.

20 Q. Which is off Willow Creek Road by the car  
21 dealerships out there?

22 A. Right.

23 Q. On the edge of town?

24 A. Right.

25 Q. Out towards the airport?

1 A. Kind of.

2 Q. Okay. And so the impound yard is a fenced area,  
3 and they have places where you -- they have buildings where  
4 you can search vehicles and the equipment you would need to  
5 do that; right?

6 A. Yes. Like a car lift.

7 Q. Okay. And that's part of what you do when you  
8 search vehicles, you look underneath them?

9 A. Right.

10 Q. So that group was going to do that. And then  
11 there's another group that was going to do the UBS office;  
12 right?

13 A. Right. I was part of that group.

14 Q. You were part of that group.

15 And then another group was going to do  
16 Alpine Meadows. Were they going to be done simultaneously?

17 A. Yes.

18 Q. And Mr. DeMocker was going to be kept away from  
19 all of those locations while the search went on; right?

20 A. Right.

21 Q. Okay. And so the idea was that only law  
22 enforcement would be at these locations; correct?

23 A. Yes.

24 Q. Okay. And so you were part of the UBS search, so  
25 you went there first; right?

1           A.     Not totally correct. At first, went to the Alpine  
2 location and did a brief walk-through with Detective Brown,  
3 and then we left that area without collecting anything, we  
4 just looked. And then we went to the UBS office and  
5 conducted that search there.

6           Q.     Okay. And then go back to Alpine Meadows and do  
7 that search?

8           A.     No. Then we went back to Bridle Path.

9           Q.     Okay. Because that was part of the search  
10 warrant, too?

11          A.     Yes.

12          Q.     So who was left to search Alpine Meadows, then?

13          A.     I believe it was Detective Wendy Parkinson,  
14 Investigator Jimmy Jarrell. I believe it was Ken Brewer, and  
15 there was another detective, I'm not sure which one. It  
16 might have been Bill Hobbs.

17          Q.     Okay. And I assume you were either in radio or  
18 cell phone contact with all these different groups; right?

19          A.     They all had my phone number.

20          Q.     Okay. And who was out at Bridle Path searching  
21 that?

22          A.     That was left -- after we were done with the UBS  
23 office, we went there ourselves.

24          Q.     Okay. And meanwhile, while you were moving from  
25 place to place, police officers were at these various

1 locations securing them and making sure curious people didn't  
2 just wander in?

3 A. Yes. We had deputies in marked units and uniforms  
4 assigned to those location.

5 Q. Which leads me to another area.

6 During the night of July 2nd, July 3rd,  
7 while you were in the process of interviewing Mr. DeMocker  
8 and his daughter and Jacob and deciding what you were going  
9 to do and thinking about getting these warrants, a deputy was  
10 sent out to Alpine Meadows to secure that location so that  
11 nobody got in; right?

12 A. Yes.

13 Q. And that was Deputy Scott Joy; right?

14 A. Yes. I believe so.

15 Q. Okay. And the idea was he was to go out and  
16 position himself so that he could see people coming and going  
17 and make sure that nobody got in until you could get the  
18 search warrant. That's pretty typical; isn't it?

19 A. Yes.

20 Q. Because you don't want either people that are  
21 involved in some bad behavior or just curious people going in  
22 and contaminating a place that you want to go in and search;  
23 right?

24 A. Yes.

25 Q. Okay. Well, it didn't go so well; did it?

1 A. No.

2 Q. Okay. And, in fact, Renee Girard, Mr. DeMocker's  
3 girlfriend, was able, without much apparent difficulty, to go  
4 right into the Alpine Meadows unit and go upstairs and be  
5 inside that residence?

6 A. Yes. He missed her somehow.

7 Q. Okay. And we have some reports and calls where  
8 there were some pretty interesting telephone conversations.  
9 One of the lines I remember, the best is Sergeant Howard  
10 saying, "dude, there ain't nobody here but the four walls,"  
11 until he was told that Miss Girard was upstairs. Do you  
12 remember talking to Mark Howard about that?

13 A. I made them aware.

14 Q. Okay. And there was some scrambling done to go up  
15 and knock on the door and get Renee Girard out of there, and  
16 figure out how she got in there and what she was doing in  
17 there; right?

18 A. We needed to fix what was done.

19 Q. Okay. And actually Miss Girard had left without  
20 being detected at one point; right? She got in there and got  
21 out without being detected by Deputy Joy?

22 A. I believe so.

23 Q. Apparently he was just in the wrong place; right?

24 A. From what he explained to me, he was on the  
25 opposite side of the building.

1 Q. Yeah. Sitting on a lawn chair at what he thought  
2 was the front door?

3 A. I don't know about a lawn chair.

4 Q. You didn't hear about the lawn chair?

5 A. No.

6 Q. I'm sorry to be the one to tell you.

7 A. I'll make him aware of that.

8 Q. And Renee apparently came in and went into the  
9 courtyard, went up through the garage. Garage door opened  
10 and closed, and he didn't hear it?

11 A. Right.

12 Q. Okay. And she was inside for some period of time  
13 and left. So it was great concern by you all that this was a  
14 very bad thing that Renee had either taken something from the  
15 house or brought something into the house or done something.  
16 So she was contacted on her way back in the second time;  
17 right?

18 A. Right. Detective Doug Brown spoke with her.

19 Q. Right. And Mark Howard was there, and he and Joy  
20 decided they would get a consent to search. You saw the  
21 Consent to Search that she signed; right?

22 A. That was my idea.

23 Q. Okay. Didn't have time to get a warrant, but  
24 thought it would be nice if she at least said in writing it  
25 was okay to search her and her car; right?

1 A. I wanted to see what was in the car.

2 Q. Okay. And she was cooperative; right?

3 A. Yes, she was.

4 Q. And her car was searched; right?

5 A. Yes.

6 Q. And apparently there were no photographs taken of  
7 that search?

8 A. No.

9 Q. Okay. And nothing of any interest to law  
10 enforcement was found on her, in her car, in anything in her  
11 car; right?

12 A. Right.

13 Q. No bloody clothes, no Tyvex bunny suit, no golf  
14 club, no La Sportiva shoes, no nothing; right?

15 A. Right.

16 Q. And she explained what she was doing, that she had  
17 gone there to wait for Mr. DeMocker; right?

18 A. Right.

19 Q. Gone upstairs, gone to the bathroom and fallen  
20 asleep; right?

21 A. Right.

22 Q. And then was on the phone, and Charlotte was cold,  
23 and she was going to get some sweats for Charlotte and bring  
24 them down, and that's what she was doing; right?

25 A. I think so, yes.



1 Q. Okay. And, in fact, she had some sweats for  
2 Charlotte in the car; didn't she?

3 A. I don't remember that.

4 Q. Okay. So that was in the middle of the night;  
5 right?

6 A. In the morning.

7 Q. Well, early in the morning before the warrant was  
8 obtained; correct?

9 A. Right.

10 Q. Okay. Now, so after this is done, may I presume  
11 that no object, tool or instrument, as the search warrant  
12 says, that any of you believed was involved in causing the  
13 terrible trauma to Carol was discovered in any of these  
14 locations?

15 A. Right. Nothing that stood out.

16 Q. And so sometime that day there was an autopsy here  
17 in Prescott?

18 A. That afternoon.

19 Q. Can you tell us just in general terms what an  
20 autopsy is? Those of us that do this for a living know full  
21 well what it is, but other people may not know?

22 A. A medical examiner, a doctor, examines the body  
23 and determines the manner of death and possible manner or  
24 objects or trauma.

25 Q. Okay. And it is not at all uncommon in the case

1 of a homicide or suspected homicide or suspicious death for a  
2 police officer to be present right in the room where the  
3 autopsy is being conducted?

4 A. That's always the way it's been.

5 Q. You've been to plenty?

6 A. Yes.

7 Q. Okay. And do you remember who was present during  
8 part or all of the autopsy of Carol Kennedy? What law  
9 enforcement officers were there?

10 A. Me, Doug Brown, Alex Jaramillo. I'm not sure if  
11 Captain Rhodes was there or not.

12 Q. Did people come and go?

13 A. Sometimes, but that was mainly the group that was  
14 there.

15 Q. Okay. How about Bill Hobbs from the County  
16 Attorney's office?

17 A. At some point he showed up, yes.

18 Q. How about Wendy Parkinson?

19 A. They showed up after -- I received a phone call  
20 from them telling me that they were done with the search at  
21 the Alpine Meadows residence, and I asked them to come over  
22 to the M.E.'s office.

23 Q. Who is "they"?

24 A. It would have been Detective Wendy Parkinson,  
25 Investigator Jimmy Jarrell. I believe it was Bill Hobbs and

1 Leslie Madaffari. I may be saying her name wrong. She's no  
2 longer with us.

3 Q. Okay. All right. And so there was actually a  
4 pretty big crowd, at some point, of law enforcement officers,  
5 plus Dr. Keen and his assistant; right?

6 A. Right.

7 Q. Okay. And do you remember what time the autopsy  
8 began?

9 A. 3:30.

10 Q. Okay. And do you remember how long it took?

11 A. Several hours.

12 Q. Okay. And at some point in the autopsy,  
13 apparently Dr. Keen was talking and speculating about what  
14 kind of an object or objects might have caused these injuries  
15 to Carol Kennedy; right?

16 A. Yes. We were examining the markings that had been  
17 left on Miss Kennedy's arm.

18 Q. These contusions along one arm; right?

19 A. Yes.

20 Q. And he was talking about something that had a  
21 shaft and a head; right?

22 A. At first we were just discussing what it could  
23 have been due to the fact it was linear, long, and kind of  
24 tapered off. We had not seen the other portion that looked  
25 like a golf head. We were just talking about the markings,

1 and then we started discussing what possible items could  
2 cause this type of injury, and that's where we led to the  
3 golf club.

4 Q. Okay. And it would be fair to say that Dr. Keen  
5 could certainly explain for himself what he said and what his  
6 findings were and the basis for that. He would be certainly  
7 the best person to talk about that, because he's the one that  
8 started that conversation; correct?

9 A. Yes.

10 Q. Okay. It is true, though, that Dr. Keen never  
11 said that he was convinced that the weapon was a golf club?  
12 He never said that; did he?

13 A. I'm not sure about that.

14 Q. What he said was: That the injuries were  
15 consistent with objects like a golf club. That's what he  
16 said?

17 A. That's possible.

18 MR. BUTNER: Objection to the form of the  
19 question. I don't think it is.

20 THE COURT: Sustained.

21 MR. SEARS: Thank you.

22 Q. Dr. Keen simply said that the injuries were  
23 consistent with a golf club; isn't that right?

24 A. Based on what Dr. Keen told me, I left with the  
25 impression that a golf club was the weapon.

1 Q. Okay. That was your impression?

2 A. Yes.

3 Q. And we'll have to hear from Dr. Keen and what he  
4 says?

5 A. Yes.

6 Q. Okay. And that was what some people sometimes  
7 call a "light bulb moment" for those of you that had been to  
8 Alpine Meadows, because you had seen golf clubs in the garage  
9 and in the house; correct?

10 A. Yes.

11 Q. And Mr. DeMocker lived on a golf course; correct?

12 A. Yes.

13 Q. Okay. So the idea of a golf club didn't seem so  
14 strange; correct?

15 A. To some degree.

16 Q. You were thinking of something else?

17 A. We -- once we learned about what Dr. Keen  
18 mentioned, we began to examine the photographs that had been  
19 taken at Alpine. We were reviewing them in the camera, and  
20 as we were going through the camera and the photographs, we  
21 were looking what possible items could have been used there.  
22 And then that's when the photograph of the golf clubs in the  
23 garage showed up, and the golf sock.

24 Q. And then you remembered?

25 A. Yes.

1 Q. Okay. So you said, let's go back and get those  
2 golf clubs?

3 A. Yes.

4 Q. Okay. And so you all then went back to the  
5 sheriff's office here on Gurley Street; right?

6 A. No. I directed Detective Ross Diskin to author  
7 another search warrant for the golf club and sock.

8 Q. Okay. Let me show you what I've had remarked as  
9 Exhibit 2649, which is also from 794, which is in very much  
10 the same form as the extracted search warrant out of a larger  
11 packet of documents. The second search warrant issued on  
12 July 3, 2008 for Alpine Meadows. Do you recognize that  
13 document?

14 A. (Whereupon, the witness reviews a document.)

15 You said this was the second one?

16 Q. Yes. Unless I've handed you by mistake the wrong  
17 document. I may have handed you the wrong document. I'm  
18 sorry, I meant to hand you -- my apologies, 2650, and ask you  
19 if that looks like the second search warrant?

20 A. Yes.

21 MR. SEARS: I would move 2650 on the same  
22 basis as the first search warrant, Your Honor.

23 MR. BUTNER: This is from the one that's  
24 already in evidence?

25 MR. SEARS: That's correct.

1 MR. BUTNER: No objection.

2 THE COURT: 2650 is admitted.

3 BY MR. SEARS:

4 Q. Okay. Now, so Ross Diskin, D-I-S-K-I-N, is  
5 another detective under your supervision, correct, and he was  
6 given the job of drafting the second search warrant; right?

7 A. Yes.

8 Q. Now, we haven't talked about this golf head cover  
9 yet. One of the things on your mind, apparently, was that in  
10 these photographs, in addition to these golf clubs you saw,  
11 apparently for the first time it caught your attention, a  
12 golf head cover on the metal shelving in the garage with no  
13 golf club in it; right?

14 A. Right.

15 Q. And so that really got your attention because you  
16 wondered where the golf club was; right?

17 A. Right.

18 Q. Okay. So you wanted that head cover; right?

19 A. Yes.

20 Q. And you told Diskin to draw up a search warrant  
21 for the head cover; right?

22 A. Yes.

23 Q. Well, let's take a look at 2650. Okay. Looks a  
24 lot like the form that you used for the first search warrant.  
25 And here we are still looking at Alpine Meadows. Okay.

1 Still looking at the BMW, not Bridle Path just Alpine Meadows  
2 and the BMW.

3 Now, let's talk about this. The search  
4 warrant looks for shoes and golf clubs; right? Did you  
5 expect to find any shoes or golf clubs in the BMW that you  
6 already had and already searched?

7 A. I was trying to cover all the bases.

8 Q. Okay. Help me out here. You had a search warrant  
9 that morning for the vehicle. You talked about it being  
10 towed over and processed. Wouldn't you assume that if there  
11 were golf clubs or shoes in there, by the time you got the  
12 second search warrant you would have known that you didn't  
13 need to search the BMW?

14 A. I didn't know that. I wasn't there.

15 Q. Were they not done searching the BMW by the time  
16 you got the second search warrant?

17 A. I don't remember if they were done or not.

18 Q. Okay. But you want to go back -- but the purpose  
19 is to go back to Alpine Meadows to look for any and all golf  
20 clubs, and any blunt instruments with a shaft and a head that  
21 resemble a golf club, any and all shoes. Okay. Now, you had  
22 already taken shoes in the first search warrant; right?

23 A. I don't remember if we did. We may have not.

24 Q. Okay. But this time you wanted shoes; right?

25 A. Yes.



1 Q. Okay. And you wanted golf clubs. And can you  
2 give me an example of a blunt instrument with a shaft and a  
3 head that resembles a golf club that isn't a golf club?

4 A. That's the only one I could come up with, too.

5 Q. Okay. Can't think of anything?

6 A. No.

7 Q. Okay. Is there a reason why that language is in  
8 there?

9 A. To describe a golf club.

10 Q. Okay. Just saying "golf club" isn't enough?

11 A. Just in case there was some other object that was  
12 similar to it.

13 Q. But you can't think what that might be?

14 A. No.

15 Q. Okay. And any and all shoes. That's the other  
16 thing; right?

17 A. Right.

18 Q. I don't see golf head cover?

19 A. Right.

20 Q. Didn't get put in; right?

21 A. Right.

22 Q. Okay. And this search warrant was faxed to Judge  
23 John Kennedy, who is Justice of the Peace in the Mayer  
24 Justice Court, after hours at about 6:00 p.m. on July 3, he  
25 returned the fax; right?

1 A. Right.

2 Q. So that's where that went?

3 A. Right.

4 Q. Detective Diskin prepared this. Did you see it  
5 before it was sent to Judge Kennedy?

6 A. No.

7 Q. Was it read to you?

8 A. I don't think so.

9 Q. So, let's talk about the execution of this second  
10 search warrant.

11 Was there another briefing?

12 A. No.

13 Q. Okay. Because you had already been to the scene,  
14 and you had an idea of the lay of the land, and you were  
15 going back "targeting" now for golf clubs and shoes; right?

16 A. And the sock.

17 Q. You thought, but except you didn't have a warrant  
18 for it; right?

19 A. Apparently not.

20 Q. Okay. No, not even apparently not. Definitely  
21 not; right? We have a warrant here signed by the Judge;  
22 right?

23 A. Right.

24 Q. Doesn't say "head cover" anywhere on it; does it?

25 A. It could be considered golf item, I guess.

1 Q. Does it say "golf item"?

2 A. Any and all golf clubs --

3 Q. Golf clubs?

4 A. -- and any instrument. I guess it could be  
5 considered an instrument.

6 Q. Well, this doesn't say "any instrument." It says,  
7 "blunt instruments with a shaft and a head that resemble a  
8 golf club." A golf sock doesn't resemble a golf club; does  
9 it?

10 A. To some degree. It's shaped like a golf club.

11 Q. I guess this is good day we're not going to go too  
12 far on.

13 You think that this search warrant would  
14 authorize you to take the golf head cover?

15 A. I didn't find it, so I didn't take it.

16 Q. You didn't have to get there; right?

17 A. Right.

18 Q. Okay. Now, so you didn't have another briefing.  
19 Who goes to Alpine Meadows and what time do they arrive --  
20 this search warrant is signed at about 6:00 p.m.?

21 A. Myself, Detective Steve Surak, Doug Brown,  
22 Detective Ross Diskin and Captain Rhodes.

23 Q. Okay. How about Hobbs and Jarrell?

24 A. Possibly, yes.

25 Q. Okay. Now, they were -- Hobbs and Jarrell were

1 not directly under your supervision; right, because they work  
2 for the County Attorney?

3 A. Right.

4 Q. So it's a little bit awkward. You can't really  
5 direct them as you would one of your detectives; right?

6 A. We work very well together, and they have never  
7 not done anything that I haven't asked and vice versa.

8 Q. So those particular County Attorney investigators  
9 are people that you do good work with; right?

10 A. Yes.

11 Q. Okay. So you go over to Alpine Meadows, but by  
12 now Mr. DeMocker is home; right?

13 A. Yes.

14 Q. Okay. So tell me how this goes. How many  
15 different cars, police cars, arrive the evening of July 3 at  
16 Mr. DeMocker's house?

17 A. That I can't tell you.

18 Q. Okay. He's certainly not expecting you; right?

19 A. Hopefully.

20 Q. Okay. And you get there. What do you do?

21 A. I believe I go with Doug Brown to the front, past  
22 that entrance. I don't know what exactly what you call it.  
23 It's where the cars go in, and they all have their individual  
24 garage.

25 Q. Maybe a courtyard? Would that be a way to

1 describe it?

2 A. Okay.

3 Q. Okay. There's an archway, and when you drive in  
4 there, there's a paved courtyard and the building -- we've  
5 seen some diagrams of the buildings -- they're basically  
6 built around this courtyard. Every one of these units has  
7 access to this courtyard; right?

8 A. I believe we parked near that entrance. Kind of  
9 looked over, the garage door was open. There was a white car  
10 there. I believe Lieutenant Rhodes went towards the back  
11 with Detective Diskin. Doug Brown and I went towards the  
12 front. Knocked on the door. Mr. DeMocker answered.

13 Q. Okay. Let me stop you right there. So you're in  
14 the courtyard. The garage door is up. There's a white car  
15 there, Captain Rhodes and Surak; did you say?

16 A. I believe it was Surak.

17 Q. They went into the garage, towards the back;  
18 right, because you knew that was a way into the house; right?

19 A. Yes. I had been there.

20 Q. And you and Diskin went around to the front?

21 A. No. Doug Brown.

22 Q. You and Doug Brown.

23 And to get that, you went into the  
24 courtyard. You went at an opening around the outside. The  
25 front door is on the outside of this building; right?

1 A. Right.

2 Q. And you knew it was 1405; right?

3 A. Right.

4 Q. So you knocked on the door. Mr. DeMocker came to  
5 the door?

6 A. Right.

7 Q. Okay. How was he dressed?

8 A. I don't remember.

9 Q. Okay. And he opened the door and let you in?

10 A. He didn't have a choice.

11 Q. Okay. What did you say?

12 A. "Mr. DeMocker, we have a search warrant to search  
13 the premises again."

14 Q. Okay. And what was his reaction?

15 A. He just kind of stood there and looked at me. I  
16 asked him to have a seat right there on the stairs, and he  
17 began to read the search warrant.

18 Q. Okay. And had Lieutenant Rhodes and Surak come in  
19 through the garage, then?

20 A. At some point they did.

21 Q. Okay. So that's four of you. Where's everybody  
22 else?

23 A. At some point once I went back there, I had talked  
24 to Mr. DeMocker. I went back in the garage, found the golf  
25 clubs, searched, you know, the upstairs for the shoes, and we

1 were not able to find that sock. I instructed everybody to  
2 search everywhere and anyplace for that sock.

3 Q. Okay. I think my question was simply where was  
4 everybody else? Not what you did. I think you've kind of  
5 moved ahead now.

6 You said you had Mr. DeMocker sit down on  
7 the stairs. Where on the stairs?

8 A. I believe it might have been the first, second  
9 stair, third one.

10 Q. Okay. Towards the bottom; right?

11 A. Right.

12 Q. Okay. And then there's a door into the garage;  
13 right?

14 A. Right.

15 Q. And, of course, that door was closed; right?

16 A. Right.

17 Q. You didn't want Mr. DeMocker involved in that  
18 search; right?

19 A. I don't remember if it was closed or not. At some  
20 point the detectives came through it.

21 Q. And who else was in the house that was not  
22 connected with the search?

23 A. I believe it was Jacob Janusek and his daughter,  
24 Charlotte.

25 Q. Charlotte and her boyfriend, Jake; correct?

1 A. Yes.

2 Q. Okay. And they were upstairs?

3 A. Yes.

4 Q. Okay. And what was done with them?

5 A. At some point I asked them all to have a seat over  
6 by the dining table.

7 Q. Okay. So you got Mr. DeMocker up off the stairs,  
8 and he came upstairs, and you asked them all to sit around  
9 the dining room table?

10 A. It's possible that I went upstairs and asked his  
11 daughter and Jake to sit down, and he was still downstairs.  
12 I'm not quite exactly how that went, but at some point we  
13 were all back upstairs. And at some point he went into his  
14 bedroom with another detective, I believe.

15 Q. Okay. Now, you've told us before that one of your  
16 principle responsibilities was to secure all of the  
17 civilians, Mr. DeMocker and his daughter and her boyfriend,  
18 and keep them together in one place, and keep an eye on them  
19 while the search is going on; right?

20 A. Right.

21 Q. And that makes sense. You don't want them hiding  
22 things, taking things, or just interfering with the search;  
23 right?

24 A. Or hurting us.

25 Q. Yeah. And so you want them to where you can see



1       them; right?

2           A.     Right.

3           Q.     Okay. And that's what you did? That was your  
4 principle job?

5           A.     Yes.

6           Q.     So you tried to have Mr. DeMocker at all times in  
7 eyesight to where you could see him?

8           A.     Correct.

9           Q.     You didn't want him to wander away or get away  
10 from you; correct?

11          A.     Right.

12          Q.     So that's why you wanted to have him sit in  
13 various places; correct?

14          A.     Right.

15          Q.     Okay. And the same thing with Charlotte and Jake,  
16 even though they were kids?

17          A.     Right.

18          Q.     Right. And there were no other civilians in the  
19 house at that point. Is that right?

20          A.     Not that I can remember.

21          Q.     Okay. Did any people come? Any people knock at  
22 the door during the search, coming over while you were  
23 conducting the search?

24          A.     Not that I remember.

25          Q.     Now, who was searching the garage?

1           A.     I believe it was Captain Rhodes and Detective  
2 Diskin.

3           Q.     And did you conduct a search in the garage?

4           A.     I looked briefly in the garage.

5           Q.     And was Mr. DeMocker allowed in the garage while  
6 the search was being conducted?

7           A.     I don't think so.

8           Q.     That would have been a bad idea; right?

9           A.     Yeah.

10          Q.     One of the other goals of keeping these people is  
11 you don't want them necessarily to even know what you're  
12 looking for; right?

13          A.     He had the search warrant. He read it.

14          Q.     Well, he had the search warrant, but the search  
15 warrant here doesn't say anything about head cover; right?

16          A.     Right.

17          Q.     But generally speaking, I mean, if this is a drug  
18 search, it's not necessarily good police practice to announce  
19 to everybody what you're looking for because you might miss  
20 it. They would know about it, and after you leave they would  
21 get rid of it?

22          A.     That's true, but you have to give them the search  
23 warrant so that they can read it.

24          Q.     Eventually, when you're done?

25          A.     I usually give it to them before then, before

1 hand, so they actually can see the search warrant that I  
2 have.

3 Q. Okay. Now, at some point, apparently, people  
4 searching in the garage indicated to you that they couldn't  
5 find this head cover; right?

6 A. Right.

7 Q. Okay. And apparently, at some point you had a  
8 discussion with Jacob and Charlotte about the head cover;  
9 right?

10 A. I believe so, yes.

11 Q. Okay. And you were agitated to the point where  
12 you apparently raised your voice to Jacob; right? At least  
13 he thought you raised your voice; right?

14 A. Yes.

15 Q. Okay. And Steve wasn't part of that discussion;  
16 was he?

17 A. I'm not sure.

18 Q. Okay. You don't have a recollection of Steve  
19 being there and getting in the middle of that discussion;  
20 right?

21 A. I don't think so.

22 Q. In fact, you wouldn't have talked about the head  
23 cover directly to Steve at that point; would you, because you  
24 couldn't find it?

25 A. I don't think I did.

1 Q. Okay. And so there was no point at which you  
2 confronted Mr. DeMocker and said, "where is the head cover?"

3 A. I couldn't.

4 Q. You couldn't?

5 A. Right.

6 Q. Why?

7 MR. BUTNER: Objection. May we approach.

8 MR. SEARS: Your Honor, I'll withdraw the  
9 question.

10 THE COURT: Gentleman, we've really gotten to  
11 the 90 minutes. I'm going to talk about the scheduling so we  
12 can use the time fully. I would like to break, and then if  
13 you can stay after, we can discuss the objection as well.

14 Sergeant you may step down, and I have  
15 talked to you about this before, and I believe Judge Lindberg  
16 did, too. But you understand the Rule of Exclusion of  
17 Witnesses is in effect. Do you understand that?

18 THE WITNESS: Yes, sir.

19 THE COURT: Do you understand what that means?

20 THE WITNESS: Yes, sir.

21 THE COURT: You may step down.

22 (Whereupon, the testimony portion is concluded.)

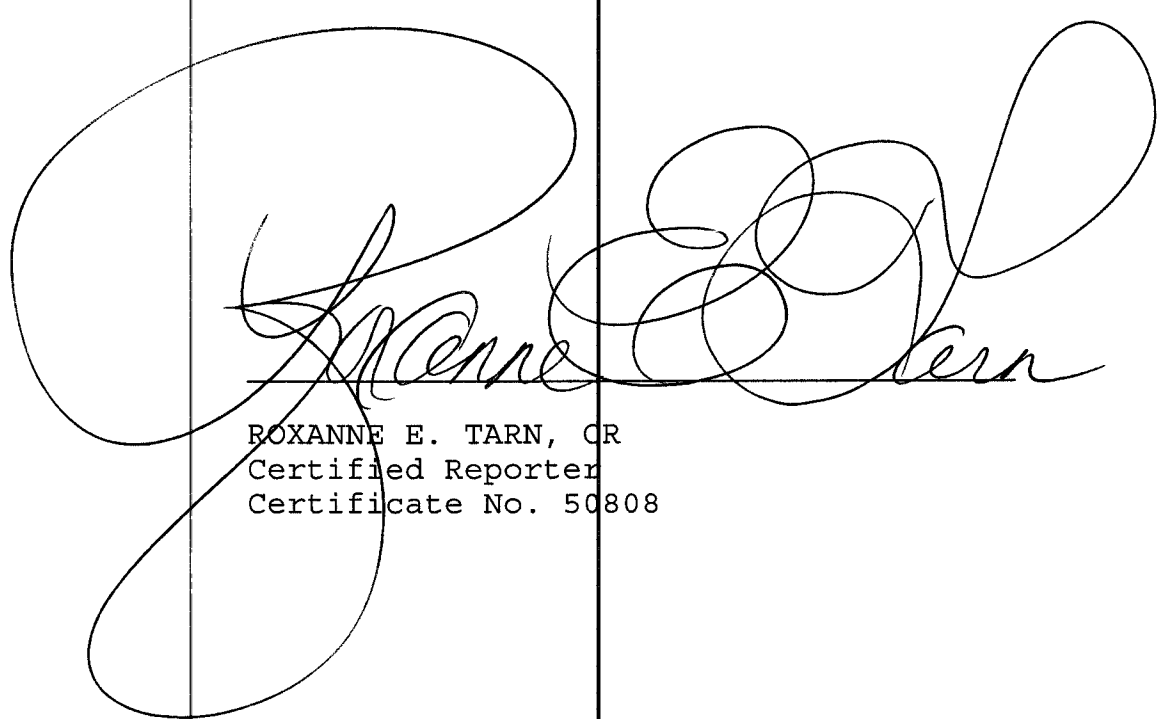
23 (Whereupon, at 4:47 p.m. the case was adjourned  
24 to resume at 9:00 a.m. on July 22, 2010.)

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C E R T I F I C A T E

I, ROXANNE E. TARN, CR, a Certified Reporter  
in the State of Arizona, do hereby certify that the foregoing  
pages 1 - 289 constitute a full, true, and accurate  
transcript of the proceedings had in the foregoing matter,  
all done to the best of my skill and ability.

SIGNED and dated this 18th day of July, 2010.



ROXANNE E. TARN, CR  
Certified Reporter  
Certificate No. 50808